How the length of land is exactly found.

I haue before forgotten to admonish you whensoeuer you vse to measure any Land, exactly by the Instrument Geometricall, named the Profitable Staffe, to set vpright a Rodde, the length of a Pearch. Or if the distance be long to passe out, or rather fully meete fiue or moe Pearches, at the end or head of your length, the extremes noted with two visible markes. Then goe from thence, and seeke the lengths by that certaine wideneſſe, as is declared: so shall ye not faile to bring very true land. Note that a little errour found on the breadth, oft multiplied, encreaseth to a great, yea, to an intollerable fault in the length, therefore the breadth or wideneſſe ought truely to bee searched. This I take sufficient for these Gentlemen.

I would desire where my grosse writings seeme to bee obscure, that I were present the Instructer: for truely a liuely voyce of a meane Speculator somewhat practised, further vnderstanding sooner giues, in my iudgement, than the finest writer. Farewell. Accept my good will, and looke shortly (if God spare life) for a profitable encrease of these matters.

FINIS.

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FINIS.

THE SVRVEIORS DIALOGVE.

Very profitable for all men to peruſe, but *eſpecially for all Gentlemen, or any other Farmar, or Huſ*bandman, that ſhall either haue occaſion, or be willing to buy or ſell Lands; As in the ready and perfect Surueying of them, with the manner and Methode of keeping a Court of Suruey with many excellent rules, and familiar Tables to that purpoſe.

As alſo,

The true and right vſe of the Manuring of Grounds, or Oc*cupation thereof, as well in the Lords, as in the Tenants: being* the true facultie of Surueying of all manner of Lands and Tenements, &c.

Now newly Imprinted.

And by the ſame Author inlarged, And a ſixt Booke newly added, of a familiar and pleaſant conference, betweene a Purchacer, and a Surueyor of Lands; of the true vſe of both, being very needfull for all ſuch as are to Purchaſe Lands, vvhether it be in Fee ſimple, or other vvſe by Leaſe.

Diuided into ſixe Bookes by I. N.

PROV. 17. 2.

A diſcreete Seruant ſhall haue rule ouer an vnthriftie ſonne, and hee ſhall deuide the heritage among the brethren.

Voluntas pro facultate.

LONDON

Printed by *W. S.* for *I. Busby*, and are to be ſold at his ſhop in Saint Dunſtanes Church yard in Fleetſtreet. 1610.

THE SURVEIORS DIALOGVE.

Very profitable for all those that desire, (especially) for all Gentlemen, or any other Landman, that shall either have occasion, or delight to buy or sell Lands: As in the readie and perfect knowledge of

the right rule of the Measuring of Ground, or Compasse, with the practise of Surveying of all manner of Lands and Tenements, &c.

LONDON
Printed by Iohn Beale, and are to be sold at his shop in Saint Dunstans Church yard in Fleetstreet. 1610.

To the right Honorable ROBERT, *Lord Cecill, Baron of Essingdon, Vicecount Cranbourne, Earle of Salsburie, Principall Secretarie to the most high and magnificent Prince,* IAMES, *King of Great Britaine, France, and Ireland, Master of his Maiesties Wards and Liueries, of his Maiesties most Honourable Priuie Councell, and Knight of the most Noble Order of the Garter.*



S the earth (right Honourable) was giuen to man: and man (after diuine) was enioyned the care of earthly things, euery man in seueral place, qualitie and state, the greatest receiuing thence greatest dignities, euen to bee called *Princes of the earth*. So; is it not the least regard, that men of whatsoeuer title or place, should

of the earth

haue of the lawfull and iust meanes of the preseruation and increase of their earthly reuenues. And that especially, by iustly atchieuing, and rightly vsing Dominion and Lordship: which principally growe, (omitting publique office and authoritie) by Honors, Mannors, Lands, and Tenants: for according to the largenesse of reuenues, are the meanes to enable the Honourable, to shelter the vertuous distressed, and to cherish such, as by desert may challenge regard. And according to their will and power therein, is the vulgar reputation of their Magnificence. But (my good Lord) as mine indeuour in this rude Dialogue, tendeth but, as it were, to the plow: So I omit to wade into the impassable censure of honour and dignitie, wishing it euer deserued reuerence. And as touching Land-reuenues, wherewith many are (but especially the Honorable are, or ought to be principally) endowed, I presume onely in this simple Treatise to discourse: So farre (according to my slender capacitie, and weake experience) as concerneth the ordinarie necessarie meanes of the maintenance and increase of Land-reue-

nues.

nues. And becauſe the true and exact Surueying of Land, is the principall; I haue heerein indeuored, more of Deſire, then of Power, (for the vſe and benefite of all ſorts of men, hauing to deale with land, both Lords and Tenants) to ſhew the neceſsitie, and ſimple methode thereof, Moſt humbly intreating your good Lordſhip (the fruits of whoſe, and of your honorable Fathers fauours, I haue many wayes taſted) to vouchſafe me your Honorable pardon for preſuming, and your like patience in accepting at my hands this ſecond time, this little Mite; which, were it as great, as any wel-wiſhing heart can intend good, it were (together with my poore ſelfe) in trueſt ſeruice vnfainedly your *Lordſhips*. It may therfore pleaſe the ſame to accept it: ſo ſhall others the more willingly embrace it, or the leſſe diſgrace it, humbly recommending it to your graciour fauour.

At my poore houſe at Hendon, 27. Martij. 1610.

Your Lordſhips euer to be commanded,

Io. Norden.

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Tenants) to shew the necessitie, and simple
methode thereof, Most humbly intreating
your good Lordships (the Nurtis of whole, and
of your honorable Ladies Infants, I have ma-
ny wayes tasted) to vouchsafe me your like pa-
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tience in accepting at my hands this second
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dilligent, humbly recommending it to your
gracious favours.

To the beneuolent Readers, especially to Landlords, Tenants, and Surueyors of Lands.

AS God in his high and incomprehensible wisdome, hath giuen vnto man two beings, a Spirituall, and Corporall: So hath hee enioyned him two prescript cares, the one of diuine and heauenly, the other of humane & earthly things. And although the first be as farre more excellent then the second, as the brightest Sunne exceedeth the blackest darkenesse: yet hath he not omitted, to giue vnto all men an expresse commaundement, to be mindfull of the second: Although it must be confessed, that no man taking an extraordinary care, can adde, as of himselfe, one iot of increase of any good thing, neither can he of his owne proper industry, assure himselfe of any part of true prosperitie in this life, yet must he not therefore dissolutely neglect his vttermost lawfull indeuour, to aduance his owne welfare, which he neither can do, without feare and trembling, if hee call to minde the cause why the earth bringeth foorth vnto vs of it owne accord, nothing but the very tokens of our originall disobedience, wherin is imprinted this Motto or Poesy of our shame: With the sweat of thy face thou shalt eate thy bread, all the dayes of thy life. And this without exception of persons. whereby it appeareth, that none is exempted from labour and

trauaile.

trauaile, in one kind or other to maintaine his estate heere. Our Fathers of fame began it. Adam *digged the earth, and manured it.* Tubal *wrought in Mettals.* Noah *planted a Vineyard.* Abraham, Lot, Moses, Dauid, Elizeus, Amos, *and many other godly and great men were Shepheards.* Gydeon *was a Thresher of Corne.* Iacob *and his sonnes the Patriarkes, were Herdesmen.* Ioseph *a Purueyer of Corne in Egypt.* Paul *made Tents.* Matthew *was a Customer, or Toll-gatherer.* Peter, Andrew *and others were Fisher-men. And* Saul *a keeper of Asses. If these men began the way of labour in so many kinds, who may say he is free in one kind or other? And he that in respect of his greatnesse of birth or wealth, will pretend a priuiledge of idlenes, or vaine and vnprofitable exercises, doth discouer his forgetfulnes, or neglect of the dutie in earth, which euery man, euen the greatest oweth vnto the Common-wealth, his owne familie and posteritie. And hee is censured euen by the mouth of God,* Worse then an Infidell, *that neglecteth these duties. And none is excused, or exempted out of this* Law of prouision for his familie, *be he neuer so high or meane; not that such men as are honourable by birth, office or aduancement, should till the earth, or be Shepheards or Herdsmen. But that they should, according to their greatnesse, execute great place in the Common-weath, whereof (after the care of Diuine things, in respect of God that gaue them their greatnesse) they should haue care to performe some seruice, in respect of the King, vnder whom they enioy their greatnesse: To shewe loue and diligent regard, to ayde their inferiours, in respect of whom they haue the imputation of their greatnesse. To be prouident in prouiding things necessary for their Families, that haue an interest to pertake of their greatnesse. And lastly, in respect of their posterities, that are to become the more great*

by

by their greatneſſe. And how can they doe thus, vnleſſe they looke into, and vſe the meanes of the increaſe and preſeruation of their greatneſſe? And for as much as the ſame conſiſteth, for the moſt part, in the reuencwes of land: what greater care ought they to haue, then to mainetaine and lawfully to augment the ſame, which decaying, their Honour and honourable reputation diminiſheth. To preſerue or augment Reuenues, there muſt bee meanes: the meanes are wrought by Knowledge; Knowledge had by Experience; Experience by view, and due obſeruation of the particulars, by which Reuenues doe, or may ariſe. Wherein are to bee conſidered the Quantities, and Qualities of Land, with the preſent Rentes, and eſtimate values by a reaſonable improouement: which duely found, to haue a due regard to proportion yeerely diſtributions and expendings with the annuall Incomes, in ſuch ſort, as alwayes the preſent yeere may rather adde vnto the next, then the next to bee charged with the yeere paſt. For when the preſent yeere ſhall expend more then the Reuenewes of the ſame may beare, the yeere following cannot but bee ſurcharged: and ſo will it ſurcharge the future ſo long, that either he ſhall be forced to ſtrike the topſaile of his improuident waſting, in time; or at length, through the furious blaſts of exceſſiue prodigality, be blowen vnder the water of diſability, by ouerſwelling the ſailes of his vainglory, I ſpeake not this in the way of attachment, but of preuention. And ſo I truſt, all men will take it, and accept of my poore indeuour in this kind, conſidering that neceſſary it is, that all men ſhould know what it is to haue reuenues, namely, firſt to know them, and then to vſe them to their owne aduancement, and to the good of others. And becauſe it is not the worke of the Honourable, and of ſuch as haue high and ſerious Common-wealth imployments, to

bee personall actors of their owne affaires in this kind, they are to vse the seruice of such as are fit in knowledge, & in iust dealing, to trauell in this kind of businesse, by whose faithfull and sincere informations, they may know what is iust and right to be done and demaunded: And in all fauour and clemencie to deale with such, as are in this manner within the compasse of their commaunds, and by whom and by whose labours they mainetaine their greatnesse: for (no doubt) there is none but well considereth, that how great or powerfull soeuer he be in Land Reuenues, it is brought in vnto him by the labours of inferiour Tenants: yea, The King consisteth by the field that is tilled. And there is none of these inferiors, of ordinarie discretion, but well knoweth, that what hee inioyeth, is by the fauour of his Lord in a sort: And therefore ought there to be such a mutuall concurrence of loue and obedience in the one, and of aide and protection in the other, as no hard measure offered by the superiour, should make a iust breach of the loyaltie of the inferiour: which kind of vnion is no wayes better preserued and continued betweene the Lord and Tenants, then by the Lords true knowledge of the particulars that euery Tenant holdeth, and a fauourable course in fines and rents: and by the Tenants loue and thankfulnesse in all readie seruice and dutie towards the Lord. And to that end, it is (no doubt) expedient, that Lords of Tenants haue due regard of their owne estates, namely of the particulars of all their Tenants lands, and that by a due, true, and exact view and suruey of the same, to the end the Lord bee not abused, nor the Tenants wronged and grieued by false informations, which commonly grow by priuate Intelligencers, and neuer by iust Surueyors. And because the office of a Surueyor (duely waide, is an office both necessarie, expedient, and of trust: It behoueth him to bee first honestly and vprightly minded:

Eccle. 5. 8.

and

and next, skilfull and iudicious in the facultie. Then can he not, but by industrie and diligence, produce an exact discouerie and performance of the worke hee vndertaketh; to the true information of the Lord, whose benefite and vttermost lawfull profite hee is to seeke, in a good conscience, dissuading him yet from distastefull Auarice, the greatest blemish that can befall a man, seeking true reputation and renowne, by his reuenues. For too much seueritie afflicteth the hearts of poore Tenants, who (by common experience) are found to bee more firmely knit in the bond of true duetie, loyall affection, and readie seruice vnto their Lords, by their Lords frugalitie, sweetened sometimes with the cheerefull drops of true liberality, then by the extreames of austeritie, vaine prodigalitie, or compulsiue exactions. And yet not so, as Lords of Tenants should be so ouerswayed with abused lenitie, or careless looking into their owne, as may breede contempt in Tenants: but rather that they should keepe such an euen, and equall hande ouer their Tenants, as may continue mutuall loue, and in them a louing feare: And not to seeke the increase of Reuenues so much for vaine glories as for vertues maintenance. Which will appeare by doing good to deseruers, by their vertuous life. A worke of true vertue, when contrarily, vaine-glorie seeketh idle and vaine reputation, by vniustly atchieuing, and either prodigally consuming, or too miserably increasing Reuenues, which I must leaue to euerie mans owne fancie, wishing all to fashion their wayes in this kind, to Gods glorie, the Kings seruice, the good of the Common-wealth, and to other such ends, for which God hath giuen them greatest earthly blessings; recommending vnto you this simple rude lumpe, of which,

if some more skilfull, will bestow the re-licking, and bring it to his true shape, my selfe with many others, should thankefully imbrace it. In the meane time friendly accept it, and in kindnesse afford sparing reproofe.

Eccles. 7. 13.
Wisedome is good with an inheritance.

Yours, I. N.

To

The Author to his Booke.

LOoke ere thou light into the hands of ſome:
Some lay but traps, to catch thee in diſgrace,
Diſgrace thou none, be ſilent where thou come,
(Yet thou ſhalt come where *Momus* is in place,)
Place thee with thoſe, whoſe hearts aright doe ſee:
And ſeeing, iudge, in fauour, faults that be.

Faults be in thee; who ſaies he doth not erre,
Erres, in conceit, that he alone is free:
And ſuch, not free, will ſure thy faults transferre,
And for one fault, transferre them ten in thee:
Not thee in this, but me they diſcommend,
That I abroad doe thee ſo baſely ſend.

Baſe I thee ſend: excuſe me what thou can,
If thou can not, plead thus to ſeeming friends:
Alas, my friends, abortiue I began:
Who me began, thus meanely foorth me ſends,
That I might tell him, how I paſſe the taunts
Of taunting tongues, that ſeeke their praiſe by vaunts.

I vaunt it not, but am content to be,
Where meaneſt be, that bluſh to ſhew their face:
Who ſees my face, a picture baſe may ſee;
Yet may he ſee, farre fairer find diſgrace.
Diſgrace not him, that ſends me for good will:
But will him well. Requite not good with ill.

Iuuidia ſibi, & alijs venenum.

The Contents of the five Bookes of the Surueyors Dialogue.

The first Booke.

COntaineth a communication betweene a Farmar and a Surueyor of Land: wherein is prooued, that Surueyors of Mannors & Lands, are neceſſary both for the Lord and Tenant, and in what manner Tenants ought to behaue themſelues towards their Lords, in reſpect of their Tenures.

The ſecond Booke.

Is intreated betweene the Lord of a Manner, and a Surueyor, concerning the eſtate of a Mannor, of the parts and profits thereunto belonging, and how the Lord of a Mannor ought to deale with his Tenants.

The third Booke.

Is contained the manner and Methode of keeping a Court of Suruey, and the Articles to bee inquired of, and the charge how to enter and inroll Copies, Leaſes and Deeds, and how to take the plot of a Mannor.

The fourth Booke.

Is ſhewed the manner of the caſting vp of the quantities of Acres of all ſorts of grounds by the ſcale and compaſſe, with Tables of computation for eaſe in accompting.

The fift Booke.

Is ſhewed the different natures of grounds, and whereunto they may be beſt imployed, how they may be bettered, reformed and amended, fit for all Farmers and husbandmen.

The ſixt Booke.

Containeth a briefe conference betweene a Purchaſer of Land, and a Surueyor: wherein are ſome points neceſſary to be conſidered of ſuch as are able and willing to Purchaſe Land in Fee ſimple, or by Leaſe.

THE SVRVEYORS DIALOGVE, BETWEENE A FARMER and a SVRVEYOR: Wherein is prooued, that Surueyes are necessarie and *profitable, both for Lord and Tenant: and* wherein is shewed how Tenants ought to behaue themselues towards their Lords.

THE FIRST BOOKE.

Farmer.

SIr, I am glad I haue so happily met with you, for if I be not mistaken, you are a Surueiour of Land.

Sur. Admit it so, Sir, what then?

Farm. I haue heard much euill of the Profession, and to tell you my conceits plainely, I thinke the same both euill and vnprofitable. Surueying rashly condemned.

Sur. You seeme to be but a yong man in yeeres, and are you so deepely seene in the abuse of this faculty, that you can so peremptorily condemn it?

Far. Call you it a Faculty? What meane you by that word? Faculty.

Sur. Abilitie to performe a thing vndertaken.

Far. Then this faculty of yours, I say, is a vaine faculty, and a needlesse worke vndertaken.

Sur. Speake you this by coniecture, by report of others, or by due experience of your owne?

Far. I speake indeede, as induced to the opinion I holde, by all the three reasons.

Sur. Then needes must you be either partiall or malitious in the first two, and deceined in the third. For hee that speaketh by coniecture, hath not experience, and he that speaketh by report, is as a truncke to conuey an vncertaine sound comming from one, to the eares of others: and if you speake by experience, then haue you a pretence to haue skill in the art: and by your owne experience it seemeth, you condemne your selfe to haue abused the same, and so condemne a generall necessarie profession, in respect of your owne particular error in the same.

Coniecture often deceiued.

Far. No Syr, I am willingly vnskilfull in that contemptible vanity. But my experience groweth, by talking of the euill that hath followed the execution of the thing, by some like vnto your selfe.

Sur. This is a generall condemnation, rashly pronounced against all, for the abuse of some, and they only shew our greatest scandals, that are by examination, in this businesse found most deceitfull against their Lords, and therefore no marualle though the profession bee contemned and condemned, of such as are to be condemned, for the offender cannot speake well of the apprehender, nor scarcely of the most iust Iudge.

The most faulty findeth first fault.

Far. You speake as if you knew some abuse in me: I tell you, you doe me wrong to attache me so.

Sur. Belike you thinke it free for you to censure other men at your pleasure, and to iudge them after your owne vaine conceit, and yet no reply must take hold of your vaine quarrell, that riseth of meere malice against the innocent.

Far.

Far. Innocent? How can that be, when you pry into mens titles and estates, vnder the name (forsooth) of Surueyors, whereby you bring men and matter in question oftentimes, that would (as long time they haue) lye without any question. And oftentimes you are the cause that men lose their Land: and sometimes they are abridged of such liberties as they haue long vsed in Mannors: and customes are altered, broken, and sometimes peruerted or taken away by your meanes: And aboue all, you looke into the values of mens Lands, whereby the Lords of Mannors doe racke their Tennants to a higher rent and rate then euer before: and therefore not onely I, but many poore Tennants else haue good cause to speake against the profession.

The pretended causes why Surueyors are condemned

Sur. Be you not offended at the comparison which I will make to your allegations. Why should not such persons as are inhibited by the lawes of the Realme, to commit certaine actes within the Common-wealth, cry out against them, that by the same lawes are appointed Magistrates and Officers to see these lawes executed vpon them, as Roagues, Beggars, and other like vagabonds? for if such officers and ouerseers were not, these offensiue persons might haue their wils: so should it follow, that men of peace, and good members of the Common-wealth, should be endangered to be sacked of that they haue, by such lewd persons. Necessary therefore is it, that there should be such as should see vnto, informe, punish, and reforme these. And by your assertions you may as well intend, vnder like reason, against keeping of Courts in a Mannor, wherein many abuses are found out, reformed, and punished, which without such Courts would lye smothered, festering so long, that there would be few sound members left within the same.

Far. It seemes, you compare Tennants of Mannors, that are (many of them) honest, ciuill, and substantiall men, to

Roagues, and vagabonds. You forget your selfe.

Sur. My plaine words are, that as well these euil members of the Common-wealth may speake against the Surueyors of the Common-wealth, which (to speake onely of the vnder Officers) are the Iustices of the peace, Constables, and such like, as may Tenants of a Mannor speake against the surueying of their Lands within the same.

Far. That were strange: for by the one, the whole state of the Kingdome is kept in peace, and by the other, many millions disturbed, that might liue quietly in their Farmes, Tenements, Houses, and Lands, that are now daily troubled with your so narrow looking thereinto, measuring the quantity, obseruing the quality, recounting the value, and acquainting the Lords with the estates of all mens liuings, whose auncestors did liue better with little, then we can doe now with much more, because by your meanes rents are raysed, and Lands knowne to the vttermost Acre, Fines inhaunced farre higher then euer before measuring of Land and surueying came in, and therefore I thinke you cannot but confesse, that other men, as well as I, haue good cause to speake of you and your profession, as I doe.

Friuolous obiections against the Surueyors of Lands.

Sur. I perceiue that the force of your strongest arguments is, as before I said, your feare and vnwillingnesse that the Lord of the Mannor, vnder whom, & in whose Land you dwell, should know his owne: and that you thinke it better for you, that he should continue still ignorant of what he hath, and that your estates should bee alwaies hidden, and what iniury you doe should be concealed, then that he should be acquainted with what you hold, and your abuses, incroachments, vsurpations, intentions, and wrongs discouered.

The faulty are afraid to be seene.

Far. Yet, we acknowledge that the Lord ought to haue his rent, and that is all, and our seruices at his Courts, but the Land we haue, is our owne.

Sur.

Sur. Howsoeuer you may account them yours, yet the Lord hath such an interest and propertie in them, as he may also call them his, nay, I may say, you are not in such sort your owne, but next vnder the King, you may be said to be the Lords.

Tennants may be said to be the Lords men.

Far. Fye vpon you, will you bring vs to be slaues: neither lawe, nor reason, least of al religion, can allow what you affirme, and therefore as I before conceiued, so I may now protest, that you, and such as you are, are euen the cords whereby poore men are drawne into seruitude and slauery, and therefore I say againe, it is pitie any of you haue any imployment in the Common wealth.

A rash censure.

Sur. What Sir, because I say you are in some sort the Lords? I tell you, that I mistake it nothing at all: for as the King is Supreame head and Prince, and defendour of all his Subiects, so vnder the King is euery Lord of a Mannor chiefe and head ouer his Tennants, namely, ouer such as hold of him: And he hath a kind of commaund, and superiour power ouer them, as they are his Tennants, and for that cause he is called, and they doe acknowledge him to be their Lord. And what doth the word Lord import, but a ruler or gouernour? If he bee your Lord, then are you his, to be gouerned in causes determineable within the Mannor, and as I will hereafter prooue, the Lord of the Mannor may commaund his Tennants to accompany him into the field against the enemies of the King, by reason of some Tenures, and they are to follow and be commanded and directed by him, and if they refuse the seruice, the Lord may distraine for it, or may enter vpon their Lands, and resume it as his owne in some case; so that I may well say, that in a sort, euen your Lands and your selues are the Lords. The vse and occupation is yours, but if the Land were so yours as

The Lord of a Mannor, vnder the King, is head of his Tennants.

A Lord, why so called.

as were none aboue you, you might then call it yours: but so is none, but the Kingdome which the King holdeth of none but of God. And no man is so absolute within the Kingdome, but he holdeth his Land of some Mannor, or person, or of the King. And of whome such Land is holden, the same is called the Lord of that Land after a sort, because it is held of him by some kind of rent or seruice, and by possibility this Land may come vnto, and by law be cast vpon the Lord of whom it is holden, as if you be so willing as you seeme, to talk of these Misteries, you shall anon perceiue. And therefore you cannot but say, that the Land and your selues are in some sort the Lords. And therefore is it not lawfull for the Lord of the Mannor, to enquire and examine of the things in those kinds belonging vnto him? And if there be cleane and plaine dealing among Tennants, they need not feare who looke into their Lands and estates. But if there be deceits and wrongs against the Lord, policy willeth you to banish any man, and to barre all the meanes that may discouer them, though equity and honesty be contented to discouer all things to the manifestation of truth. Are not these the matters of chiefe importance that disquiet you? The measuring of your Lands, the obseruation of the quality, and estimating the value of your Lands.

The innocent needs not feare to be looked into.

Far. It is true: for these are the causes that our rents are increased, and our Fines rayled, and this would the Lord neuer doe, if such as you did not inkindle the Lords desire, by your too seuere scrutations, examinations, impositions, and imputations: for were the Lords of Mannors ignorant of these things, as in former times, poore Tennants might haue things at the rate they had in former times.

Sur. My friend, if I compare you to a dead Image, be

not

not offended, for I perceiue you haue eyes to see, and yet you see not, you haue a heart to vnderstand and yet your vnderstanding is amisse.

Far. I am beholding to you Syr, to make mee worse then a beast, for a beast hath the things you say I want: how proue you what you haue said?

Sur. Because you impute your great impositions vnto the acte of an honest Surueyor, when I will assure you and prooue, that the cause is in, and of your selues.

Far. Then indeede you might account us brutish, if wee would worke our owne woe.

Sur. I perceiue, though you may be a good worldly Farmer, you are but a meane obseruer of the course and carriage of things passing daily vnder your nose. He that hath seeing eyes and an vnderstanding mind, may easily see and perceiue, that there is no Mannor, nay, no Farme be it great, or little, farre off, or neere hand, but hath been and daily is discouered, by priuate intelligencers, lurking in or neere the same, prying into estates, ayming at the quantity, wide, short, or ouer, seldome hitting right, obseruing also the quality, and glauncing at the value of euery mans Land, and therefore secretly and vnder hand doe informe the Lords of the Farme, and they being credulous ouermuch, and not a little couetous, build their demaundes both of Rents and Fines, vpon these most deceiueable informations, whereby the Lord is abused, and the Tennant wronged: wheras were the things seene, viewed, and surueyed by a iudicious and faithfull Surueyor, who vpon due consideration, and discreet obseruation of all particulars, giues in a true and indifferent certificate vnto the Lord, vsing rather his vttermost indeuour to moderate and mitigate the Lords excessiue demands then aggrauating the validity beyond reason or a good

Priuate intelligencers and not honest Surueiors, giue false informations to their Lords.

The course of an honest Surueyor.

conſcience, you would be of another minde, and I proteſt, I hold that Surueyor a very bad man, that will either for affection or bribe carry a partiall hand betweene the Lord and his Tennants; yet ſith he holdeth as it were the beame of the ballance, he ſhould rather giue the better waight to the weakeſt, reſpecting nothing but a charitable courſe to be held by the Lord, for whom he trauaileth with the Tennant, againſt whom if he ſpeake not, he ſhall be often ſuſpected of the Lord to be partiall. But if there be equall conſideration on all ſides, the Lord wil beleeue the Surueyor deales iuſtly, and the Tennant reſt ſatiſfied, willingly to leaue, or readily to accept, as his owne iudgment agreeth or diſagreeth with the things propounded. For this haue I obſerued, that oftentimes Tennants conſider not when they are kindly vſed, neither ſee they at all times when they are abuſed.

Far. Truely I beléeue you in part: for indéede there are euen amongſt vs, in the Manor wherein I dwell, officious fellowes, that to procure the Lords good opinion, will pry into mens eſtates, and indéede as you ſay, into the quantity, quality, and valúe of mens Lands, and giue falſe information oftentimes, and I know it is a foule abuſe, and of the two, I rather allow a true ſuruey, then a falſe report: for ſuch fond fellowes as are thus buſie in other mens cauſes, are of all men leaſt to be beléeued: for they ſpeake alwaies for affection or gaine: for they will extenuate the value of them they loue, or haue gaine by, and aggrauate the ſame, as their hope is of the Lords reward: all this I know without your report. But what is that to the thing you charge poore Tennants withal, that they are the cauſe of their owne hard meaſure: cléere your ſelfe of this ſlaunder.

Officious Informers dangerous for Lord & Tennant.

Sur. That can I eaſily doe by experience, and I thinke I ſhall haue the whole world to witneeſſe it for your further ſatisfaction, who cannot your ſelfe be ignorant of the

the same thing; for you haue in part confessed it: for the former Informers, of whome you last spake, are euen Tennants themselues, yet I accuse them not all, nay, I excuse none in particular: for I haue seene and obserued among them a kind of madnesse, as I may call it, but in the best sense it is a kind of ambitious, or rather auaritious emulation, wherein they striue one to out-strip another in giuing most: as where my selfe haue had businesse of this nature, namely, of letting, setting, or selling of Land for yeares or liues, being, or neere being determined, in Farmes or other like, whereby the Lord hath bene at liberty to dispose thereof at his will, for best aduantage, by choyce of a new Tennant, Proclamation to that effect hath bene made in open Court, where I haue seene, and it is daily in vse, that one wil out-bid another, in so much as I haue wondred at their emulation, and could not haue asked what they haue raysed it vnto themselues. And should any that is in authorite in this case (who in duty is not to hinder the Lord) or the Lord himselfe inhibit such hot spirits to clime as high for the Lords aduantage, as the ladder of their owne will, and supposed ability will willingly carry them? This is not as one Swallow in a Summer, but they are many, and euery where Winter and Summer, and yet are other men accused and condemned for them and their faults, if their will (though wilfull) be a fault: but I should thinke it greater madnesse for a Lord, wilfully to refuse what is so voluntarily offered, and so willingly giuen. Now, who is the cause of raysing Rents and Fines?

Tennants striuing in lowing and bidding, inhanceth Fines and Rents.

Far. I know, such rash and ouer-forward men there are in the world not a few, almost in euery Manor, who are especially pricked forward to this emulation through enuie and auarice, hauing meanes to atchieue their desires. But

this bidding and out-bidding is in things, wherein the Lord is at his libertie to take a Tennant whom he liſt. But in cuſtomary tenements of inheritance ỹ caſe is otherwiſe, where the Rent is and the fine (for the moſt part) certaine, what nædes the Lord haue this ſurueyd, or any frée hold Lands?

Sur. It is fit the Lord ſhould know what his Tennant holdeth, be it free or cuſtomarie, though at this day there be a needleſſe niceneſſe in ſome free-holders of Mannors, who ſeeme to conceale their eſtates, and to kicke againſt the view of their Lands: but if they knew what they did, they would reforme that error.

Far. Call it you an error, for a frée-holder to refuſe to ſhew his eſtate to the Lord, or not to ſuffer his Land to be ſurueyed?

Sur. I may well ſo call it, nay, I may call it a great fault, or an iniurie done againſt the Lord, and hurtfull to himſelfe. There is none (it may be you know it) that holdeth land of a Lord, but he holdeth the ſame by ſome kind of Rent or ſeruice, and when he comes to take vp his Land after the death of his aunceſter, or vpon purchace, but he doth or ought to doe homage & fealty, or one of them, vnto the Lord of whom he holds it: the doing whereof, how ceremonious it is, if you be a Tennant to any ſuch Land you know, and wherin he maketh a ſolemne vowe and oath, to be true Tennant vnto the Lord for the Land he holdeth. And ſometimes the Tennant of ſuch a Tenure, is forced to be ayded by his Lord for the ſame Land, if he be impleaded for it: now, if ſuch a Tennant refuſe to ſhew his eſtate, or to permit his land to be ſeene, how performeth he his oath, to be true Tennant, and to doe ſuch ſeruices as are due vnto the Lord? among which, this, of permitting the Lord to know his owne, is not the leaſt, nay, he ought by his oath

Homage and fealty by free-holders.

of

of fidelity: to further it by all meanes, both by his proper knowledge and euidence, not onely his owne, but other mens lands, and thereby he shal not onely not preiudice himselfe, but he shall fortifie his title so much the more, by hauing his euidence enrolled, and his land recorded in the Lords booke of Suruey, that when his heire shall take vp the land, or hee alien the same, it appeareth that he is true Tennant vnto such lands for such rent, and for such seruices: but there be so many scruples thrust into mens heads, by such as haue a pretended skill in matters of policy in this kind, and Lords of Mannors haue beene so remisse in taking knowledge of the things in this manner appertaining vnto them, that questions of Titles and Tenures are daily had and mooued, to the great trouble oftentimes both of Lord and Tennant, as is seene by experience daily as well of land holden of the King, as of inferiour Lords, which may be reconciled, if Tennants were not too curious, and Lords too negligent. Besides this, there are other reasons to moue the Lord to know what land is holden of him, and by what title, rent, and seruice: for free-holders may forfait their land, and their land may escheat vnto the Lord: if then he should be ignorant what land it is, where it lyes, and how much it is, he may be easily abused for want of records: and so are many Lords of Mannors, who for want of due knowledge of their Tennants and of their land and Tenures, other men are intituled to their right.

A needeles niceneſſe in free holders to ſhew their deeds and Lands to the Lord or his Surueyor.

Some Lords too remiſſe in ſurueying their Land.

Far. You haue said more then I heard or dreamed of, and it holdeth in some sort by reason, how it is by law I cannot dispute, but in all that you haue said, you haue not satisfied me in the thing before I spake, touching the Fines of customary Tennants of inheritance, which (as I said before) haue beene of late rayled farre higher then in former times, by your Surueyors.

Sur. You ſtrike alwaies one ſtring, & I find the ſound of your meaning: you would alwaies be as eaſily charged in your Fines as might be: and in that I blame you not, it is euery mans caſe to beare as light a burthen as hee can, But if you remember what I ſpake before, touching the cauſe of this rayſing of Fines, where I prooued it came moſt by your owne meanes, you may be the ſooner ſatisfied in this, for it is in nature like the former. Although this kind of Tennant hath ſeldome any competitor to emulate his offer, becauſe the Tennant leaueth commonly one either in right of inheritance, or by ſurrendor to ſucceed him, and he by cuſtome of the Mannor is to be accepted Tennant, always prouided, he muſt agree with the Lord, if the cuſtome of the Mannor hold not the Fine certaine, as in few it doth: now this compoſition is commonly made by demaund of the Lord, and offer of the Tennant. The Lord asketh according to his conceit of the value of the thing, and either his knowledge muſt ariſe by his owne experience, or by information: the information is either by ſecret intelligence of ſome officious neighbour, or by due iudgment of an indifferent Surueyor, namely, ſuch a one as carrieth equall reſpects to Lord and Tennant. And although, as you alledge, former times did afford Tennants more fauour in rating and arbitrating Fines, as you ſuppoſe, if you conſider it well, it is now as then it was.

Information hurtfull in Fines of Land of inheritance cuſtomarie.

Far. **You much miſtake it: for I will ſhew by auncient Court rols, that the Fine of that which is now twenty pound, was then but thirteene ſhillings and foure pence, and yet will you ſay they are now as they were then?**

Sur. Yea, and I thinke I erre little in it. For if you conſider the ſtate of things then and now, you ſhall find the proportion little differing: for ſo much are the prices of things

Former Fines and Rents, and the preſent, not vnequall

things vendible by Farmers now increaſed, as may well be ſaid to exceede the prices then, as much as twenty pound exceedeth thirteene ſhillings foure pence.

Far. **You ſpeake farre from truth, and I maruaile you will erre ſo much, pretending to be a man of that reach, that men imploy you to ouer-reach others.**

Sur. To ſhew you then an inſtance, looke into the Cronicle in the time of *Henry* the ſixt, and you ſhall find, that a quarter of Wheat was ſold at Royſton in Hartfordſhire for twelue pence: and I truſt, if you be a Farmer, you are a corne-ſeller, and I thinke, if a man offer you thirty times as much for a quarter, you will ſay it is better worth. *Iohn Stow.* Wheat at twelue pence the quarter.

Far. **Was it poſſible that Corne was then and there ſo cheape, and to riſe ſince to this rate: it is very ſtrange.**

Sur. Not at all: for ſince there grew ſuch an emulation among Farmers, that one would out-bid another, (which in the beginning was little ſeen) it grew at length that he that bought deare, muſt ſell deare, and ſo grew the prices of things by degrees to this rate as now they be, and a Farmer gets as much by his Farme now, as then he did. Rents of lād and prices of things grow together.

Far. **You erre therein, I aſſure you: for elſe could Farmers kéepe as good houſes and hoſpitality now, as they did then, and alas, you ſee how vnable they be.**

Sur. It is true, and the reaſon is manifeſt for where in thoſe daies Farmers and their wiues were content with meane dyet, and baſe attyre, and held their children to ſome auſtere gouernment, without pride haũting alehouſes, Tauerns, dice, cards, and vaine delights of charge, the caſe is altered: the Husbandman will be equall to the Yeoman, the Yeoman to the Gentleman, the Gentleman to the Squire, the Squire to his ſuperiour, and ſo the reſt, The cauſes why things haue grown to this extremity.

reſt, euery one ſo far exceeding the courſe held in former times, that I will ſpeake without reprehenſion, there is at this day thirty times as much vainely ſpent in a familie of like multitude and quality, as was in former ages; whereof I ſpeake. And therfore impute not the rate of grounds to a wrong cauſe, for to tell you truly, both Lord and Tennant are guilty in it: and yet they may be both content, for they are as the Sea and the Brookes: for as the Riuers come from the Sea, ſo they runne into the Sea againe.

Farm. To tell you truely, you haue ſaid more then I haue heard, and indéed it ſtands with ſome reaſon; and you haue in part ſatiſfied me, that the cauſe of our complaint is not ſo grieuous, as I and infinite other haue ſuppoſed it. Yet to tel you as I and others haue found, there be ſome of your profeſſion haue eyther none at all, or little, or very hard conſciences, and for the moſt part ſuch as haue leaſt ſkill: and ſuch indéed I thinke vnneceſſarie for Lord, or Tennant: for they cannot but abuſe the one or other by their reports: and the records which they make, may bréde quarrell many yeares after. And therefore as the Surueyor is a member (as you hold) not onely tollerable, but neceſſarie, I wiſh there were fewer, and they honeſt, iuſt, and ſkilfull: for to tell you truly, we haue thought among vs Countrymen, that there are more then can be imployed, as it ſéemeth by their publique declarations of their want of worke: for as I haue paſſed through London, I haue ſéene many of their Bils fixed vpon poſts in the ſtréetes, to ſolicite men to affoord them ſome ſeruice: which argueth, that either the trade decayeth, or they are not ſkilfull, that beg imployment ſo publikely: for, *vino vendibili ſuſpenſa hedera non eſt opus.* A good workeman néeds not ſtand in the ſtréetes or market place.

Vnskilfull Surueyors vnneceſſary

Surueyors Bils vpon poſts in London.

Sur. I confeſſe, in this you haue ſaid truely: for none that is indeede fit for imployment, will, or needes to craue it, in ſuch manner, for they will be ſought vnto and ſolici-

ſolicited. But euery one that hath but a part of the art, nay, if he can performe ſome one, two, or three parts, is not thereby to be accounted a Surueyor, as ſome Mechanicall men and Country fellowes, that can meaſure a peece of Land, and though illiterate, can account the quantity by the parts of money, as a penny to a pearch, a groat to a daies worke, ten groates to a Roode, and conſequently, a marke to an Acre, which manner of caſting ſufficeth, and ſatiſfieth them in their ſmall accounts, but the manner of their meaſuring is often erronious, as I will ſhew you hereafter, if leyſure ſerue. Some haue the skill of plotting out of ground, and can neatly delineate the ſame, and by Arithmeticke can caſt vp the contents, which is a neceſſarie poynt of a Surueyors office, but not all.

The perfection of a Surueyors office conſiſteth not in one part.

Far. Sauing your tale Syr, we poore Country-men doe not thinke it good to haue our Lands plotted out, and me thinks indeede it is to very ſmall purpoſe: for is not the field it ſelfe a goodly Map for the Lord to looke vpon, better then a painted paper? And what is he the better to ſee it laid out in colours? He can adde nothing to his Land, nor diminiſh ours: and therefore that labour aboue all may be ſaued, in mine opinion.

Sur. They that ſpeake at any time againſt any thing done, or propounded to be done, doe either ſhew their reaſons againſt it, or elſe they conceale their conceits, and without any good argument, inueigh onely againſt the thing. And I know your meaning in miſliking plotting of your Land, and yet you vtter not what you think: for a plot rightly drawne by true information, deſcribeth ſo the liuely image of a Mannor, and euery branch and member of the ſame, as the Lord ſitting in his chayre, may ſee what he hath, where and how it lyeth, and in whoſe

A plot of Land neceſſary.

whose vse and occupation euery particular is, vpon the suddaine view; which Tennants mislike, not that the thing it selfe offendeth them, but that by it they are often preuented or discouered of deceitfull purposes. For a Tennant that is both a free-holder and a copy-holder for life, or by indenture for life or yeares, holding these lands intermixt, may easily (vnlesse the Land for life or yeares, be very especially butted and bounded in their copies or leases, as seldome they are, through the sloath of some stewards, or for default of a true suruey to guide them) appropriate vnto himselfe copy or leased land for free, and especially hauing time enough to alter names and properties, to remoue meeres, and to cast down ditches, to stocke vp hedges, and to smoother vp truth and falshood vnder such a cloake of conueniencie, as before it be suspected or found out by view, it will be cleane forgotten, and none shall be able to say, This is the Land: whereas if it be plotted out, and euery parcell of free copy leased, and the rest be truly distinguished, no such trechery can be done against the Lord, but it shall be most readily reconciled. And I dare presume to say, that the want of due plots and descriptions of land in this forme, hath bene the occasion of infinite concealements, and losses of many mens land, and many intrusions and incrochments haue bene made, and so long continued, that now neither memorie or record can reforme them; besides infinite other abuses, which are daily done to the preiudice of Lords, for want of such a monument to be alwaies at hand for their instruction.

Want of plots of land preiudiciall to Lords.

Far. You ayme vnhappily, I thinke, to some mens purposes: but for my part, I promise you I had no such thought in me, and yet what you say, may indeede be easily wrought in most Mannors, if they be as the Mannor is wherein I am a Tennant:

a Tennant: for I am perſwaded, there hath not beene any view taken of it, or perambulation made, or ſurvey had within the memorie of any man alive. And to tell you truly, I thinke the Lord hath much wrong both by his owne Tennants, and by confining Lords: for ſo the Lord haue his rent, and his other duties of vs, he is contented: but I may tell you, if he did better looke into it, it would be better for himſelfe and his hereafter, yet we wiſh he would let it reſt as it doth, for we may doe in manner what we liſt, and if a Surueyor come, we ſhall not doe as we haue done, nor hold that that ſome haue held, long, without any trouble: but that I leaue. Then you ſay, that plotting is the chiefe part of a Surueyors ſkill.

Tenants commonly wiſh not for Surueyes.

Sur. I ſay not ſo, but I ſay it is neceſſary for him that is a Surueyor, to be able to doe it, and that he be painfull and induſtrious, and hauing this quality with the reſt more neceſſary, he may be then called a Surueyor.

Who is a Surueyor.

Far. What are they I pray you?

Sur. To little purpoſe I thinke I ſhall tell you, yet becauſe you may know that euery one that hath the name, is not indeede a Surueyor, for beſides the former faculty of meaſuring and plotting, he muſt haue the vnderſtanding of the latine tongue, and haue ſome ſight in the common lawes, eſpecially of Tenures and Cuſtomes, and muſt be able to reade and vnderſtand any auncient deeds or records, French and latine, and to iudge of the values of land, and many other things, which if time will permit, I will hereafter declare more at large vnto you.

What a Surueyor muſt be able to doe.

Far. Why is there ſuch a preciſe knowledge required in a Surueyor?

Sur. Becauſe they are imployd in ſuch buſineſſes as concerne greateſt perſons in their eſtates: for although men be indowed, by the prouidence of God and of his bounty, with honors, Mannors, Caſtles, houſes, lands,

Tenements, woods, and other like reuenues, which indeede are the ſinnewes and ligaments which conioyne and tye honor and habilitie together, yet if theſe be not managed, guided, and carefully continued and increaſed by a diſcreete and honeſt Surueyor, for and in the name and behalfe of his Lord, and the Lord againe proportion his expence and charge, according vnto or within the compaſſe of his knowne Incomes, the Lord may be diſabled to maintaine that which he hath gotten, the title of honor: and where honor is without meanes, it wanteth the ſubſtance, and hath onely the ſhadow of it ſelfe to delight in.

Reuenewes the ſinewes of Honour.

Far. It behoues not onely men of Nobility, but inferior men alſo to loke vnto themſelues, for the preſeruation of their eſtates, but they indeede that haue but little may quickly view it: *Sufficit exiguo ſtrigilatio curta caballo.* But he that hath many Honors, Mannors, Lordſhips, Tenements and Farmes, cannot of himſelfe take view of them al with eaſe: for indeed they lye for ỳ moſt part diſperſed in many parts, & they muſt be aided by ỳ ſkilful & induſtrious trauaile of ſome iuditious Surueyor, who finding by his view & examination, the true values and yearely poſſibilities of his Lords Lands, may be a good meane to retaine his Lord within compaſſe of his reuenues, and to worke him to be good to his Tennants, and by that meanes the Surueyor ſhall deſerue praiſe, and his Lord winne more honor. But I maruaile how ſuch great perſons did before Surueying came vp: for this is an vpſtart art found out of late, both meaſuring and plotting.

A diſcreet Surueyor may be a good meane to manage the Lords reuenues.

Sur. You ſpeake, I thinke, according to your conceit, but I will prooue it far otherwiſe, that meaſuring, plotting, and ſurueying hath beene vſed in all ages of old. As for deſcription, it was vſed in Egypt by *Ptolomy* the King, who deſcribed the whole world. And where the

Plotting of Land, and meaſuring, is very ancient.

Riuer

Riuer *Nilus* in Egypt ouerflowed the banckes (as at this day it doth about harueſt) the violence of the inundations were ſuch, as they confounded the marks & bounds of all the grounds that were ſurrounded, in ſuch ſort as none knew his owne land: whereupon they deuiſed to meaſure euery mans land, and to plot it: ſo that afterwards alwaies at the waters receſſe, euery man could find out his owne land by the plot.

Far. Truly that was a moſt excellent inuention, and I thinke it indeede a moſt neceſſary courſe to be held in ſome grounds that I know in England, which are ſubiect to like confuſion: many Marſh lands nere the ſea coaſt in Kent, Suſſex, Eſſex, Suffolke, Lincolneſhire, Cambridgeſhire, and other Shires confining the Sea, or ſubiect to great waters, and if they were thus plotted out as you ſay, I muſt needs confeſſe it were a good worke, howſoeuer theſe kindes of grounds ſhould be hereafter ſurrounded, increaſed or diminiſhed by the force of the Seas continuall rage, whereunto they are daily ſubiect, for by that meanes, if the ditches, which are the ordinary meeres, meates and bounds betweene ſeuerall mens lands, be confounded, this deuice might after the winning of theſe ſurrounded grounds againe, truly reconcile them, and alot euery man his owne, which otherwiſe will be impoſſible to bring to true appropriations. And this in my conceit, is not the leaſt part of your profeſſion, to lay out grounds in their true formes, that euery ſeuerall parcell may be diſtinguiſhed from other: for I know where great ſtrife hath riſen by confounding one Manor with another, where the Sea hath won and loſt ground, and deuoured the true bounds, of which I am not alone witneſſe, and it is daily ſeene, that queſtions doe riſe by like caſualties, where townes, houſes, fields, woods, and much land hath beene and are daily deuoured, and in ſome places augmented, Riuers by force turned out of their right courſes, vpon other confining lands: whereof time hath taken ſuch hold, as the truth is now brought in queſtion, to the ſtirring vp of quarrels betweene

Grounds ſubiect to ſurrounding, fit to be plotted.

twéene parties, which if these pl ces had béene formerly laid out in plot, the doubt would be easily answered. In these things I cannot but agrée with you, that your profession may stéed men that haue vse of your trauaile in this kind, although no such art hath beene vsed, nor is it reported to haue had any vse in the word of God.

Sur. Is there a necessity to produce the vse of this, from examples out of the word of God, when these indifferent things are left to the discretion of man for matters of politike and ciuill society? If euery profession should be driuen to fetch authority frō the vse in sacred things, many things plentifull amongst vs that liue in a Common-wealth, would be found prophane: but because you seeme to vrge it, I will not sticke to let you know, that it is not without example in the old Testament. If first you wil haue the proofe of mesuring, looke into the 2. Chapter of *Zacharie* and there shall you find, that the Prophet reporteth, that *hee saw a man with a measuring line in his hand, and he asked him whither he went? and he said vnto him, To measure Ierusalem, that I may see what is the bredth thereof, and what is the length thereof.*

Euery matter in moderne vse among men, can not bee prooued to haue had vse in holy Scriptures.

Far. I doe remember now that I haue read such a thing indéede, but as I take it, this measurer was an Angel of God.

Sur. Then is the warrant of measuring so much the more strongly cōfirmed vnto men. But you may perceiue that measuring was then in vse in other things: for had not there been the vse of the measuring line before, how could the Prophet haue known it to be for that purpose?

Far. Yes being a Prophet.

Sur. He could not haue called a thing by it proper phrase (to the vnderstanding of other) that had not been in vse before, neither could his relation therof haue been vnderstood of them to whom he declared it, vnlesse they

also

also had before knowne the like.

Far. Can you proone the like of Surueying?

Sur. *Ioshua* commaunded the children of Israell, that euery Tribe should choose out three men, that he might send them through the land of Canaan, to view, suruey and to describe it: for so is the word, *Yee shall describe the land into seauen parts, and bring them hither to mee.* And what description could they make, without viewing and surueying the places?

Far. It is true that you say, such a view was taken at that time, that euery Tribe might haue his portion of inheritance. And surely in these Surueyors was much trust reposed by Ioshua the chiefe head of the children of Israell: for according to their report, did Ioshua deuide to euery Tribe his portion. This surely was a worke of great discretion and iudgment in the Surueyors, and great prouidence in Ioshua: for indeede he could not trauaile in all those parts himselfe, and therefore he did wisely to appoint such as were fit to performe the seruice, and it makes me remember your former defence of the profession, in trauailing for great persons, who cannot afford time nor paines to view their owne lands themselues. And it is not euery mans gift to be able to deuide Lands into equall, or certaine vnequall parts, that men that are parties therein, may hold them equally dealt withall, vnlesse it be such a one as hath skill in deuiding and apportionating, which thing comes often in vse among men in this Common-wealth. And further authorities, or better warrant then these you haue produced, for my part I will require none, vnlesse you can and will voluntarily shew some later examples within our owne kingdome, done in our forefathers times, for I like not nouations and new deuices that our forefathers haue not seene or done.

Ioshua 18. Surueying prooued by Scripture.

Euery man can not equally diuide Lands into many parts.

Sur. If you had time and experience to looke into, and to vnderstand what hath been done concerning this matter long agoe, you should find in the records of the

Tower euen before the Conqueſt, matter to ſatiſfie you, that this profeſſion was then in vſe, and there ſhall you find the fruites. And ſince the Conqueſt, the booke called *Doomes day*, lying in the *Exchequer*, wil confirme you I think ſufficiently, that it is not as you ſay a new inuentiõ. Beſide, the ſame art hath been in ſumme and ſubſtance eſtabliſhed by acte of Parliament, and called *Extenta Manerij*: vpon which Statute, that learned Iudge Maſter *Fitzherbert*, hath written a litle commodious and compendious Treatiſe: ſo that if you ſtand vpon any further authorityes, I will leaue you to the preſent generall vſe thereof, which men of beſt diſcretion and greateſt reuenues doe hold and continue, and none ſpurne againſt it, but the malitious or ignorant.

3. Edward. 1. *Extenta Manerij.*

Far. I confeſſe, I was lately ignorant of the things which now in part I know, but I was neuer malitious: as for the records and Statute whereunto you referre me, I beléeue you without further ſearch, and for mine owne part I am ſorie that euer I haue ſo with others backbitten the profeſſion, and ſlaundered the honeſt profeſſors thereof: for I now doe well ſee and plainely vnderſtand, that the ſame is lawfull and expedient, and not any way hurtfull vnto the Tennants, if the Surueyor be ſkilfull and honeſt, and his information (giuen by ſkilful and willing aſſiſtants, which are the Tennants themſelues) be true, and his help of the Lords records ready: for theſe are the two pillars, vpon which a Surueyor muſt of force build his worke, information and record, as I take it, although record be alwaies preferred before verbal intelligence, yet if records be neuer ſo autentique and true, of things vnknowne to him that hath the examination of them, what can be effected or done, but as by a blind man that knowes his face is to his way, but how and where to ſtep he is vncertaine: and although he deſire none to beare him, becauſe his legs are ſound, yet he will not refuſe to bée led by the hand the way he would goe. So a Surueyor, in my

The Lords Records, and the Tenants informations, are the pillars of a Surucy.

poore opinion, that hath a bundle, nay a whole truncke full of records of seuerall tenements, and parcels of land whose names he can reade, whose buts and bounds he can relate, but yet he sées not the way of himselfe to goe to them, or can say without direction, This is this or that péece of land, and therefore I know, that Tenants must giue ayd to a Surueyor, or else he will faile though not in his art yet in the truth of his worke.

Sur. You haue said well, and it appeareth, your apprehension is good in this businesse, and indeede the ayd of the Tenants is a good helpe in this case, especially when records are also present: for if record and their information concurre, then is the Surueyor in the right way. But many times if the Surueyor cannot helpe the Tenants by his records when they are at fault, hee shall hardly find which way his game goes: for a skilfull Surueyor carrying his record in his hand, in his perambulation of a Mannor, shall after the first entry be able to guide himselfe, and goe from place to place, from field to field, euen by his owne euidence, if they be truly made, and the buts and bounds right, especially if the names continue vnaltered, and that the Tenants can auow it as he citeth it, and nothing then is to be altered, but the names of owners, who change often. And for this businesse, the fittest men to accompany the Surueyor abroad are the most auncient, and longest inhabitants within the Mannor, for the Surueyors instruction, and the yongest, to the end they may also learne to know the like, to giue like ayde by their experience to posterities.

The Surueyor by the Lords records may in some things guide the Tenants.

The auncientest Tenants fittest to guide the Surueyor.

Far. Me thinks it were a good course (if I be not to saucy) that a Surueyor should after his perambulations made, and the particulars entred, publikely read the same before the Tennants in open Court, to the end that they may approue or reprooue what is true or mistaken, for the best may

erre

erre in setting downe of many things.

Sur. I like your aduice well, and surely he that doth not so, and compare it also with former records, doth not as behooueth. But I know, and haue found by triall, that Tenants thinke it a hard imposition, once in their life time to attend such a businesse, they had rather doe any worke, then to doe their Lord seruice, and themselues this good: for many of them are so wise in their owne conceites, as they thinke them fooles that giue any assistance vnto this worke: and some so wilfull, that if they knew that they and theirs should be for euer benefited by it, they will stand aloofe, and any small occasion of their owne will easily withdraw them from it: and some againe are so worldly, that they thinke no day well spent, but that is spent vpon their present profit: & lastly, some are so giuen to their vaine delights, as neither loue of their Lord, or feare of forfayture of their Tenements, or doing good to their neighbors, or securing their posteritie, can get any duty in this behalfe to be done by them.

Tenants vnwilling to accompanie the Surueyor.

Far. As farre as I conceiue, the Lord of a Mannor may force his Tenants at such a time, to giue their attendance: else you may well thinke, not a few would find excuses enough to absent themselues.

Sur. You say well, and therefore hath the Lawe prouided a punishment for those that will not doe their duties in this, or in any thing that the Lord hath to doe within his Mannor, for ordering of his Tenants. And because Tenants should not be forgetfull of their duties, they were in former times, and may be still, summoned to the Lords Court euery three weekes at this day. And the Lords remissnesse in calling them, hath bred in many places a kind of contempt, whereby groweth their slackenesse in times of their Lords seruice. But the Lord

The Law punisheth Tenants that will refuse to aide him in his Survey.

of

of a Mannor hath power to punish them, and they are remediless without submission, if the paine be within the compasse that the Court will beare, which is large enough to weary him that is most arrogant.

Far. You haue satisfied me in many things whereof I doubted, you haue cleared the profession it selfe of many slaunders, and for my part I will henceforth speake more sparingly, and aduise such as I heare too forward to be better aduised. And were I perswaded fully, that I my selfe might be a Surueyor, and yet retaine a good conscience, I would wish I were also capeable of the same faculty.

Sur. And if I were perswaded, that you would giue an indifferent eare, and afford an impartiall censure of what I would deliuer vnto you, I could be contented to bestow some time, to shew you what were fit to be done, to the attaining vnto such a measure of knowledge in the same, as might inable you to steed your selfe and your friends in that kind of office.

Far. I would think it well, if I could attaine but to some part of this faculty, I would leaue the rest to better capacities: but my desire is farre from it, if I may not be assured that the practice is lawfull, for I would deale with nothing, wherein I might stand fearefull that God alloweth it not.

A good minde.

Sur. I like you well, I wish him that you seem to feare to fauour all your honest desires, and mine, and that his blessing may follow euery our good indeuors: for whosoeuer vndertaketh any profession, be it neuer so lawfull or expedient and necessarie for Church or Commonwealth, and hath not the grace and fauour of God to guide him, he may for a time seeme to prosper in it, and to flowrish and ruffle it out with showes of great blessednesse, but it is but like *Ionahs* Gourd, that grew vp in one night very great & faire, but wythered the next morning.

No profession without the feare of God can prosper.

Far. That I thanke God I haue learned, and to tell you truly,

for my part I had rather liue in a meane estate in my calling free from briberie, extortion, and wrong, seruing God, then to get infinite wealth thereby: yea, although not the world, but mine owne conscience can remoue me for it: for I see such riches continue not many generations, neither hath it a promise of any blessing, although I know, that they that can so rise and flourish, and braue it out, are the men best accounted of: for they are held wise and politique, and to haue skill in their profession, whereas others that beare not the mind to deale corruptly, cannot keepe way with them in shew, and thereby are condemned to be simple fellows, and their honest carriage and meane rate in the world, maketh their ability to performe what they vndertake suspitious: yet had I rather of the two, chuse the last, howsoeuer my reputation or vnployment be regarded in the world.

The braueſt is accompted moſt skilful

The ſimply honeſt, moſt ſuſpected.

Sur. You are in the right way of a good conscience, which is a continuall feast, such a feast, and of such sweetnesse, as the world cannot see or vnderstand the same, but happie is he whose conscience accuseth him not: for howsoeuer men may seeme to set a good face on euill actions, as if he could not accuse himselfe by his due examination of his owne heart, yet it will come to passe that his conscience will one day bewray it, to his intollerable terror, and he shall be forced to accuse, iudge, and condemne himselfe, without any further witnesse. And this I tell thee is the end of all such as feare not God, and liue not vprightly and iustly in their callings: for it is not the calling it selfe that corrupteth the man, but the man may be corrupted in his calling, and abuse his best profession: therefore I say, see that thou find thine inclination apt vnto this profession, and in thy desire thou tremble not to attempt the same, for some professions are more natural then others to euery man, and all mysteries and sciences whatsoeuer, are attained by some with greater

Though the wicked seeme not to see their own errors, God seeth them, and will discouer them.

Some are naturally inclined to some profeſſion.

ter facility and eaſe then by others: and ſome by ſmall induſtry, ſtudy, and endeuour ſhall attaine quickly to that perfection in ſome faculty, wherein another ſhall neuer excell, liue he neuer ſo long, and be he neuer ſo ſtudious and painefull.

Far. **I find mine inclination in conceit, pliable vnto this courſe of life, how it will ſucceede, muſt be ſeene by practice: but that is the leaſt doubt, all my feare is, whether I may doe it and yet ſerue God?**

Sur. Know this that if thou bee already of a godly conuerſation, hauing the true feare of God ſealed vp as it were in thine heart, and doſt not deſire this profeſſion, as *Simon* the Magician did, for lucres ſake, only as hee deſired diuine knowledg, thou mayſt aſſure thee, this profeſſion will not hurt thee, although the workeman is worthy of his hyer: for none will force thy labour for nought *operarius dignus mercede*, and *dulcis labor cum lucro*. If men did not get by their honeſt paines, it were meere ſlauery to vndertake any kind of faculty. But to come to the lawfulnes of it, know, that it is the manner of the execution, and not the matter of the profeſſion that woundeth the conſcience. Euery man is not borne nor bound to one faculty or trade, neither conſiſteth the common wealth of one member, but of many, and euery one a ſeuerall office, too long to expreſſe them all in kinde. Is not the eye Serueyor for the whole body outward, and the heart the ſearcher within? and hath not euery common wealth ouerſeers of like nature, which importeth as much as Surueyors? And is not euery Mannor a little common wealth, whereof the Tenants are the members, the Land the body, and the Lord the head? And doth it not follow that this head ſhould haue an ouerſeer or Surueyor of the ſtate and gouernment of the whole body? And fol-

The maner of the execution, not the matter executed hurteth.

Surueyors of the body

A Mannor is a little Common-wealth.

lowes it of neceſſity, that the office is vnlawfull? An vniuſt officer maketh not the office vniuſt, no more then a crabbed face impaireth the faire glaſſe wherein it looketh, or a dusky cloud corrupt faier water whereon it lowreth. In caſe of Suruey of Land, againſt which you haue ſo much inueighed, if you conſider it in reaſon, and make it your owne caſe, you will ſay perchance, the caſe is altred. You haue now peraduenture a ſmall Farme, will you bee careleſſe and diſſolute of the eſtate thereof? wil you not wey and conſider with your ſelfe what Land is fit for Paſture, what for Arable, what for Meddow, and the like? And will you not command your ſeruant to view it dayly, that no treſpaſſes bee done therein, and to ſee vnto the hedges, ditches, fences, water-couſes, gates, and ſuch like? Will you not regard the eſtate of your Cattell, ther number, health, and ſafety? And haue you not a continuall watch ouer all your ſeruantes and children, and to the preſeruation of thinges within and without? If you doe thus in one ſmall Farme, what would you doe in many, could you ſee vnto them all your ſelfe? If you had as many Mannors, would you lie home and receiue the rents and fines that your Tennants would bring you, without conſideration of the eſtates or values quantities or quallities of the things for which you receiue money? And why haue you this care, or would you looke into theſe things? Is it not, becauſe it is your liuing and liuelyhood, by which you and yours are maintained? And how much the more it is neglected, ſo much the more it decayeth: & if it decay in quantity, you cannot continue equall in quality. And can you therefore thinke it a hard courſe in that Lord (that hauing his Lands which are his liuelyhood, diſperſed in diuers

Priuate and meane men Suruey their ſmall things euen their litle Farmes

If Reuenewes decay, a mans eſtate decayes.

uers parts of the Realme, to which, through greater imployments of importance, he cannot perſonally reſort, if he could, it is neither for his experience, nor fit for his calling to trauaile therein) to authorize and ſend ſuch as may take view of his reuenues, and of the eſtates of his Tenants, who are by cuſtome and law in many things bound vnto him, and that by ſuch his ſubſtitute, hee may be truly aduertiſed of what he hath, and how his meanes doe ariſe, that he may proportion his charge and expences accordingly? and whether he be abuſed by his Tenants, or his Tenants by his officers, or one Tenant by another, or the Lord wronged by confining Lords, by intruding too farre into his lands, how rents be anſwered, and cuſtomes continued, how free-holders doe performe their ſuites vnto his Courts, how his Tenements are maintained and repayred, how his Woods are preſerued, his fiſhings, fowling, and prerogatiues maintayned? All which, by how much the more they are neglected and let runne without view or ſuruey, ſo much the more doth the Lord weaken his eſtate, and preiudice his heyre: wherein, it cannot be denyed, he offendeth God, deceiueth the King, and defraudeth the Common-wealth. God, in that he is careleſſe of his bleſſings beſtowed vpon him. The King, in that he wilfully diſableth himſelfe to doe him the ſeruice he oweth him in body and goods: and the Common-wealth, in that he diſableth himſelfe to giue it that aſſiſtance, that his quality and place ought to affoord: and conſequently, ſheweth himſelfe vnworthy to ouerſee matters of State and Common-wealth, that is careleſſe to ſee vnto his owne. Furthermore, where a due and true ſuruey is made and continued, there is peace maintained between the Lord and his

Great Stateſmen cannot ſuruey their own Lands.

The charge impoſed vpon a Surueyor.

Wherein Honourable perſons doe offend, in neglecting their Reuenewes.

True Surueyes continue peace betweene Lord and Tenant.

his Tenants; where, if all things reſt betweene them confuſed, queſtions and quarrels ariſe, to the diſturbance of both. In priuate families, if there be none to ouerſee and to manage things domeſticall, what diſorders, what outrage, what vnciuill and vngodly courſes, and what ſpoyle and ruine of all things doe follow? The like of neceſſity, where Tenants are left vnto their owne wils: and yet, as the vnruly company in a family could be contented to be maſters of themſelues, and to haue no controlement: So Tenants can well brooke their Lords abſence, and that they might be their owne caruers, and that the Lord ſhould haue what they would yeeld of their own accord. I ſpeak not of the honeſtly minded: but wher a multitude is without a guide or gouernor, there is diſorder; and diſorder breedeth complaints; and complaints are vnſauory to a kind Land-Lord, who muſt be forced for redreſſe, to puniſh the offendors: and the moſt offenſiue will ſpeake moſt of their wrong, and will ſooneſt exclayme againſt any courſe that may keepe order. So that, to conclude, I affirme, that it is moſt requiſite and expedient for due order ſake, that euery Lord of a Mannor ſhould cauſe his Lands to be duely ſeene, and truely Surueyed and certified, and once in ſeauen or tenne yeares to haue it reuiewed: for the inconueniences that grow by the neglect thereof, are of ſo many kinds, and they ſo dangerous, (like the moſt perilous diſeaſe long concealed) that they worke contempt in the Tenants, and loſſe to the Lord. Now, to keepe this vpright betweene the Lord and his Tenants, I thinke you cannot deny, but a true and honeſt Suruey is neceſſary and lawfull, and may be performed with a good and ſafe conſcience, and in the feare of God: if (as I haue ſaid) the conſcience be not before ſtained

The faultie will firſt find fault.

A Suruey muſt be renued once in ſeuen or ten yeeres.

stained with the corrupt desire of vnlawfull gaine, and (as I said before) I thinke few or none will mislike the course, but such as are farre gone in some disease of deceyuing their Lord, which cannot indure to haue this kind of salue to come neere their sore.

None mislike true Surueyes, but deceiuers.

Far. Truly Sir, I know not how to answere you, but doe consent to that you affirme: For, for mine owne part I cannot but confesse, I can find nothing in mine experience to contradict your speech. But pittie it is that Surueyors should be ignorant, or vnhonest; for the one especially abuseth the Lord, and the other wrongeth both Lord and Tenants.

Sur. But whether is there cause, in your conceite, to approoue or reprooue the profession, as it is simple in it selfe? Deliuer your mind plainely, leaue not a scruple in the mindes of your Neighbours, that haue exclaimed with you against them that neuer offended them, reproouing as much as they durst, Lords, for looking into their owne lands: and vnlesse Lords were dead images or Pictures of men, hauing onely the name of Lords, and could not at all command their Tenants, that could neither heare, see, nor consider what were fit to be done with their owne proper Reuenewes, I cannot but wonder, that any should spurne against them herein.

Lords that will not looke to their owne Lands, are as dead Images.

Far. I thinke you speake something too forceably against Tenants in generall: for surely all are not opposite to this course, though some be.

Sur. I condemne none, but I reprooue some, that of mine owne knowledge haue giuen testimonie of their inward dislike, by their outward murmors, for what is done with an euill will, can not be said to be done at all. Such as come cheerefully to the seruice, are dutifull, and I hold it impietie to abuse them, but the vnwilling deserue little fauour.

Euill will is neuer dutifull.

Far.

Far. What should Tennants principally doe in such a busineſſe?

What Tenants shold doe in the Lords Surucy.

Sur. Nothing but that Law, Cuſtome, and duetie requireth at their hands, to giue their beſt aide to the Surueyor, to trauell with him about the Circuit, Buts, Bounds, and limits of the Mannor, to informe him of the ſame, and of euery particular mans Land, and Rent, to ſhew him their copies, leaſes and deeds, to the end hee may enter & enroll them all together in a faire book, for the Lords vſe, and for a perpetuall record for themſelues.

Far. For, information, and ſhewing the particular grounds and bounds of the Mannor, indéede is fit, both for their euidences, as their copies and leaſes, the Lord hath the Court rols of the one, and counterpanes of the other: and for free-holders déedes, their Land is their owne, and whether they may be compelled to ſhew them or not, I cannot tell.

Viewe of Euidences neceſſarie.

Sur Theſe are friuolous doubts that ſome haue formerly made, but they haue beene anſwered to their coſt, for the law hath compelled them to ſhew their euidence. For, admit the Lord of the Mannor haue the rols wherein the copies are Recorded, may not Copies bee abuſed after their entries, or counterfaited in ſome things preiudiciall to the Lord, as may alſo the leaſe, as hath beene found oftentimes, names and liues of men, parcels of lands, dates of yeares, and ſuch like, raſed, inſerted, or altered? And is it not fit therefore that they be ſeene and entered together, that without ſearch of ſo many Court rols the Lord may be ſatisfied, and the Tenants iuſtified, And what preiudiceth it the Tenant, to haue his euidences truly recorded, if he meane plainely, be it copy, leaſe, or free deede? he may thinke it a confirmation of his eſtate, what caſualty ſouer come to the ſame, he may be the better aſſured that ſuch a record will witneſſe with him:

Entrie of Deeds conuenient for the Tenant.

him: whereas if none such appeare, his interest will be the more suspitious: and therefore such as are wise and discreete, will not onely consent to this good course, but be thankfull vnto the Surueyor as behoueth. If it be iust and right, that the Lord should know his owne, and who should manifest it, but the Tenant himselfe? and how should he doe it, but by his euidence? And most vniust it is in that Tenant, that by any wilfull or sinister meanes or couert practise, doth eyther detract his fellow Tennants from the seruice, or concealeth any thing that may further the same.

Far. This I cannot deny, although indeede some busie fellowes will dissuade, and breede a doubt herein, but I see it is to good purpose and for our better security, to doe all things requisite in this businesse, and that all the Tenants within the Mannor should conioyne in one, and euery one for himselfe, and all for one, and one for all, should seeke, examine and declare the vttermost truth of euery thing, towards the exact performance of this seruice, and that the Surueyor should know the quantities, qualities, and indifferent values of euery mans Tenenment and Lands, their rents, seruices, custome, works, and whatsoeuer the Tenant is in law or conscience bound to yeeld or performe to his Lord: and indeede thus much haue I heard giuen in charge at a Court of Suruey, with many other articles, which are now out of my mind: all which may be done by Tenants with a good conscience, both by relation in Courts, and in the perambulation: but the concealing of these cannot stand with an honest mind in mine opinion: for these things of themselues cannot preiudice the Tenants, but the misconceiuing, misentring by the Surueyor, may be erroneous, and the ouer-racking, vrging, and ouer-burdening the Tenants by the Lord, may be extortious. These things may fall out by meanes of an vniust and vnskilfull Surueyor, and a

The Tenants dutie

what things are euill in a Suruey.

couetous Land-Lord. And the feare of this maketh the Tenants to extenuate the values, and to smother the truth of things to their soules danger: therefore happy are those Tenants, that haue a gracious Lord, and an honest Surueyor: for then there cannot be but an equall and vpright course held betweene them: then cannot the Tenants but be faithfull and louing to their Lords, and their Lords fauourable to them, so should the Tenants be defended by their Lords, and the Lords fortified by their Tenants, which were the two principall causes of the originall foundation of Manors, as I haue heard.

The principall causes of instituting Manors.

Sur. You say rightly, and I am glad to heare you conceiue so well of this apparant necessity: for so may I say, that it is of necessity that the Lord should know the full and absolute estate of his Mannor, and of euery particular thereof: for howsoeuer of late dayes Tennants stand in higher conceites of their freedome then in former times, if they looke a litle backe into antiquity, they shall see that Tenants (for the most part) of euery Mannor in England, haue beene more seruile vnto their Lords, and in greater bondage then now they are, whom the fauourable hand of time hath much infranchised, and it cannot be altogether euery where forgotten, because they may see as in a glasse, the picture of their seruitude in many ancient custome rols, and in the copies of their own ancesters, and many seruile works haue beene due and done by them, and in many places yet are, though the most are now turned into money: but neither their infranchisements, nor the conuersion of works into rents doe so farre free them, but that they still owe seruices vnto their Lords, in respect of their Tenures, as wel free-holders as customary Tenants, as both in most of their copies and deedes

Tenants are now in conceite more free, then in former times.

Auncient bondage.

deeds is expreſſed by theſe words, *Pro reditu & ſeruitijs inde prius debit. & de iure conſuet.* Which prooueth their Tenures in a ſort to be conditionall: which condition if it be wilfully broken by the obſtinate carriage of any ſuch Tenant, he indangereth his eſtate.

Euery inferiour eſtate is conditionall.

Far. It were hard, if for not doing ſome ſmall ſeruice vnto his Lord, a man ſhould forfait his liuing.

Sur. And it were very fooliſhneſſe in a Tenant, for wilfull refuſall thereof, to indanger the ſame: for if the Lord be in lawe tyed to maintaine the right of his Tenant, and to defend him againſt any other that ſhall pretend a falſe title vnto his land, the Tenant is againe bound to performe all ſuch ſeruices, and to pay all ſuch duties as of right he ought vnto his Lord. And it is expedient that the Lord ſhould ſee theſe duties continued, and it hath beene and is daily obſerued, that the neglect thereof extinguiſheth the remembrance of them, and ſo the Lord looſeth his inheritance: for euery ſeruice of the Tenant is parcell of the ſame, and the remiſneſſe of looking into theſe Tenures, hath brought it to paſſe, that infinite within this kingdome, that hold in fee, quillets of land, and ſome Mannors, know not how or of whom they hold: ſo that thereby Lords of Mannors, of whome theſe quillets were heretofore knowne to hold, haue loſt their Tenures and ſeruices, and ſuch as hold the land by vnknowne Tenures, are caſt into the danger, to hold to their, and their poſterities further hurt.

The Tenants ſeruice is parcell of the Lords inheritance.

Diſcontinuance of ſeruice hurtfull to the Lord.

Far. If Tenants will be wilfully obſtinate, and refuſe to doe and continue their vtterm oſt ſeruices vnto their Lords, as bound by their Tenures, being (as you ſay) parcell of the Lords inheritance, they are worthy to be attached of diſobedience, and to pay for their contempts: and if Lords will bee ſo negligent, as they will not looke vnto their owne, they are

worthy to loose their right: and therefore I hold it discretion in the one to doe his duty, and prouidence in the other to continue what is due: and if by age or impotencie the Tenant be disabled in person to performe his seruice, to craue dispensation, or to doe it by another: and if the Lord be farre off and cannot be present, to substitute one to receiue it for him. But Sir, in all your discourse, I haue obserued, you haue pleaded (as it were) for the Lord, against the Tenants, exacting sundry duties from them to their Lords, but I haue not heard you speake much against the Lords in fauour of the Tennants, and yet I know there is a kind of reciprocall bond of duty each to the other, t may be broken of either side.

Seruice of the Tenant

Sur. It is very true, for as children are bound to their parents by the bond of obedience, so are the parents bound to the children by the bond of education: and as seruants are bound to their Masters in the bond of true seruice, so are the Masters bound to their seruants in the bond of reward. In like manner, Tenants being bound vnto their Lords in the bond of duty, so are Lords bound vnto their Tenants in the bond of loue: and though I haue said little at this time of the duty of Lords to their Tenants, the occasion hath not been offered at this time.

Lords and Tenants are bound each to other.

Far. I trust you haue said enough concerning the duty of Tenants, for they can but pay rent, and doe seruice, more cannot be exacted.

Sur. Yet rent and seruices are diuers and diuersly answered and done, which I could be content to shew you more at large, but that yonder comes a Gentleman that will interrupt vs: know you what he is?

Far. I will tell you by and by as he comes neere. Oh Sir, it is my Land-Lord, a man of great possessions, Lord of many Mannors, and owner of diuers Farmes, who hath beene inquisitiue for a man of your profession, but to tell you truly, I altogether dissuaded him before this time: but now

now hauing heard your reasons, I will solicite him for your imployment, and I would with you might vndertake first the Manor wherein I dwell.

Sur. At his disposition and pleasure be it: and so for this time I leaue you.

The end of the first Booke.

THE SVRVEYORS DIALOGVE, BETWEENE The Lord of a Mannor, and a Surueyor:

wherein is intreated of the ſtate of a Mannor, *of the parts and profits therunto belonging:* and how the Lord of a Mannor ought to deale with his Tenants.

THE SECOND BOOKE.

Lord.

FRiend, of late I met with a Tenant of mine, who told me you are a Surueyor of Land.

Sur. I haue bene, and am ſometimes imployed in that kinde of ſeruice.

Lord. I haue at this time ſome occaſion to vſe the aide of one of your Facultie: and I haue heard by my Tenant, that your ſkill and diligence may ſatiſfie my deſire therin.

Sur. I ſhall doe mine endeuour wherein you pleaſe to command me.

Lord. There be many, I know, that beare the name of Surueyors, but when they are put to it, they come farre ſhort of ſome principall points required in the abſolute perfor-

mance

All that professe it, are not Surueyors.

mance of the worke, and either leaue it halfe done, or so shuffle it vp, as the Lord is abused, and the Tenants wronged, by the blind and vncertaine returnes of the Surueyors trauailes: for a Lord of a Mannor knoweth not, but by such as he vseth therein, the estate of things, and how the particulars stand betweene the Lord and his Tenants. If the Lord of the Mannor haue neuer so good a mind to deale well with his Tenants, & the Tenants bee neuer so inclinable to doe true dustie to their Lord, they may be both misled by an vnskilfull Surueyor, to the vniust condemnation or suspition of both. And therefore I thinke it behoueth men of worth, that haue vse of such as you are, to be well assured of the skill and abilitie which you pretend to haue in your Profession; and because I haue no further experience of you then the bare report of my Tenant, I must intreate you to discourse vnto me a little of your knowledge of such particulars, as are to be considered in the absolute Suruey of a Mannor.

Ignorance in Surueyors dangerous.

Sur. Sir, you seeme to oppose me farre, and the thing you demaund, will require a longer time, and a larger Discourse, then either my leisure, or peraduenture my present memorie of euery particular will readily permit. And it may bee, that you that pretend little knowledge in the Arte, may apprehend both the trueth of the thing, and an errour committed in the performance, as well as hee that assumeth the Title of a Surueyor, although neither your leisure nor your qualitie may in reason permit you the trauaile in it: For I know many Gentlemen of good worth, that haue the Speculatiue parts of the whole, and the practicke of the deepest, and yet they will not bee seene to treade that path that a Surueyor is forced to doe, in the whole businesse. You haue the matter and subiect whereon a Surueyor worketh, and without which a Surueyor looseth both Arte and Name, and therefore you cannot bee altoge-

Some not hauing the name of Surueyors, may haue the skill.

ther

ther ignorant of the things required in the busineſſe, as the Maſter of a feaſt cannot dreſſe the dainties, but the Cooke, yet can the Maſter reproue the Cooke if hee doe not his duty therein.

Lord. Thou ſaiſt true in thy compariſon: but for my part although indeede I haue Land, and I know how many Mannors I haue, their names, and where they lye, and the moſt of my Tenants, and their rents, and if you ſhould erre in theſe, it may be I might be able to reproue you, yet for matters of further ſearch, I aſſume not to be ſkilfull, for then I needed not your ſeruice, as of quantities, qualities, values, validities of eſtates, Tenures, cuſtomes, and other things incident to a Mannor, which are not in all Mannors alike, the true diſcouerie whereof belongeth to the Surueyors office, yet none but ſuch as are truly ſkilfull, can ſufficiently diſcharge the duty herein required: and therefore by your leaue, you ſhall briefly (I will not be tedious) relate vnto me what you can ſay of the definition of a Mannor, whereof it conſiſteth, how, when, and by whome it was erected with other ſuch things as ſhall be expedient for the Lord of a Mannor to know, the particulars whereof I will leaue to your relation, and firſt tell me what a Mannor is.

Sur. Sith you will needes diue into my poore skill, by your oppoſall, and ſith indeede I doe in ſome meaſure profeſſe the art, wherein I thinke no man is or hath beene ſo exquiſite, but he might erre in ſome poynt or part much or little, as in other arts, yet to anſwere your demaunds, I will as briefly as I can ſatiſfie your deſire. And firſt, where you demaund what a Mannor is, *A Mannor in ſubſtance is of Lands, Wood, Meddow, Paſture, and Arable: It is compounded of demeſnes and ſeruices of long continuance.* As touching the beginning of a Mannor, and the inſtitution thereof, the beginning of Mannors was, when the King gaue lands vnto his followers, in

A man may erre in whatſoeuer Arte.

What a Mannor is. *Perk. fo. 127.*

The beginning of Mannors.

in such quantity, as did exceede the proportion of a mans manurance and occupation, as a thousand, two thousand Acres more or lesse: which quantity of Land being at that time as it were in a lump or *Chaos*, without any distinction of parts, or qualities of Land, he to whom such land was giuen to hold to him and his heyres for euer, enfeoffed some others in parts thereof, as one in ten, another in twenty, and some in more, some in lesse Acres, and in consideration of such feoffments, euery of these were to doe the feoffer some kind of seruice, as hee and they agreed vpon, reseruing such a part vnto himselfe, as he might conueniently occupy in his own hands, and by this meanes the Land thus giuen by the King, and thus proportioned out to others by the *Donee*, became to be called a Mannor. And he that was thus inuested in this Land by the King, was in respect of such as he infeoffed, called the Lord, and such as were infeoffed, were called Tenants: Lord, in respect of gouernment and command: and Tenants, in respect of their Tenures, and manner of holding vnder the Lord whom they were to obey.

Lords and Tenants why so called.

Lord. **But when or about what time was this erection of Mannors?**

Sur. As I take it, and as it seemeth, in the time of the Normans: for among the Saxons was no such name as the name Mannor, yet the thing euen in substance was then, for they had *Demeisnesse*, and seruices in substance, but the *Demeisnesse* they called *Inlandt*, and the seruices *Vlandt*, so that it differeth onely in name, but in iurisdiction little or nothing at all.

When Manors began

Inlands. Vlands.

Lord. **Whereof is it called a Mannor?**

Sur. There is some difference of opinions whence

the

the word Mannor should be deriued: it is in Latine called *Manerium*, yet a word not vsed among the Romans or auncient Latines, and therefore to find the *etimon* by it, can not be: for the word is vsed among our Lawyers, as many other made words are, which haue been termes raised by our Lawes, and are not elsewhere in vse: and therefore the neerest way to find the signification of the word, is by the quality of the thing: so that some hold it should proceed of the Latine verbe, *Manere*, which signifieth to abide, or remaine in a place, as the Lord and his Tenants did in this, whereof the head house, or the Lords seat was called *Berrye*, which signifieth in the Saxon tongue, a dwelling place; which continueth yet still in Hartfordshire, and in diuers other places, and is also taken sometimes *pro castro*, which was also the seate of the Lord of some Mannors. Mannor houses were also, and yet are called in some places, Hals, as in Essex, and Northward: Courts and Court-houses Westward, as in Summerset, Deuon, &c. as also Mannor places: all which are places of the Lords owne abode, and therefore it may not vnfitly be said, to take name of abiding or dwelling. Some thinke, and not improperly, that it taketh name of the French word *Manemirer*, which signifieth to till and manure the ground. And of the two, I take this latter to bee the most proper deriuation of the word Mannor: for thereof are many chiefe houses of tillage called *predia* Graunges. It may also take name of *Mainer*, to gouerne and guide, because the Lord of the Mannor had the managing and direction of all his Tenants within the limits of his iurisdiction. Of these deriuations *qualem mauis accipe*: necessity tyes to neither.

Whence a Mannor taketh name.

Berrye. quid.

Halles. Courts.

Predia.

Lord. These significations of the word may stand all with

with sense, and much materiall it is not whence the word ariseth, but the likelyest is indeede that which most agreeth with the property of the thing. But I haue within my Mannors sundry messuages: whence is the name deriued?

Mesuage, whence it taketh Name.

Stu. Of *Meisus*, or *mesuager*, which is as much to say, as *familiam administrare*, to gouerne a household: for euery of the Tenants had his family, and of diuers of them and of the Lords family did a Mannor consist.

Lord. Then no doubt, if a man haue a thousand Acres of Land more or lesse, to him and his heyres, which lyeth in one intyre peece not yet deuided, may be deuided into parts, as a portion for the Lord himselfe, and some parcels to erect such messuages for Tenants to doe him seruice, as he may make a Mannor where none was before.

A Mannor may not be made at this day.

Stu. No Sir, for although a man haue a competent quantity of Land in his manurance, and would conuert it to the end you speake of, were it neuer so great, and could establish many messuages, and could erect whatsoeuer seruices, this would not become a Mannor, because all these must haue long continuance, which cannot at this day be confirmed by any priuate man, but by the King onely: but he may haue thereby a kind of *seignory*, a Lordship or gouernment in grosse ouer his Tenants by contract or couenant, but no Mannor. No man at this day can create a seruice or a tenure, or by any means rayse or erect a Mannor: for there must be very Lord and very Tenant in fee simple, and that of auncient commencement and continuance, or else it can inure no Mannor. For a man may haue demeisnesse to occupy, and Tenants to doe him seruices, and that of continuance, and yet no Mannor. As if a man that had land, did giue part of this land in former time to some others in tayle to doe him seruices, heere are demeisnesse in the donor

donor and seruices in the demees, and a Tenure; yet becauſe here be not very Tenants in fee-ſimple, it maketh no Mannor.

Lord. Whether are al lands holden of a Mannor, parcell of the ſame Mannor?

Sur. No, Lands may be holden of a Mannor by certaine ſeruices, the ſeruice may be parcell of the Mannor, and yet the Lands not.

Lord. But may not this Land be made parcell of the Mannor at this day?

Sur. By no other meanes but by *eſcheat*, for if the land fall vnto the Lord by eſcheat, then it comes parcel of the Mannor: for then is the ſeruice extinguiſhed, and the Land commeth in place of it.

Lord. May not a man purchaſe Land that lyeth neere his Mannor, and annexe the ſame, and make it parcell of the Mannor, though it held not of the Mannor before?

Sur. Forraine Land newly purchaſed, though it lye within the precinct and bounds of the Mannor, cannot be annexed, though the Tenant thereof be willing to doe his ſeruices there: for this is in nature of a newe creation of a Tenure, which at this day the lawe will not admit, onely the King by his prerogatiue may.

Lord. What if it were tyed vnto the Lord of a Mannor for the payment of an annuity, is not the annuity then parcell of the Mannor? And if that Land be purchaſed by the Lord, and thereby extinguiſh the annuity, doth not that land come in place of the annuity, and ſo become parcell of the Mannor, as the Land you ſpake of before, which by the eſcheat ran in place of the ſeruice.

Sur. The caſe is not alike: for the annuity was not parcell of the Mannor, neither can it be by ſuch meanes as you propound by the way of Mortgage. But in another ſort it may: as if a Mannor be to be deuided into 22. Ed. 4. 44.

sundry parts, and because the parts fall out vnequall in
22.Li.Ass.53 value, there must a rent or annuity be apportioned to make vp the value, which rent becomes parcell of the Mannnor.

Lord. If the Manno2 be diuided, as you say, and a Rent allotted to one part, how can the Rent bee parcell of the Manno2, fo2 as much as in my vnderstanding, the Manno2 becommeth by this partition, to be no Manno2: Fo2 if there can be no addition to a Manno2, there can be no diuision of a Manno2, and yet the Manno2 to continue still a Manno2.

Sur. Yes Sir, of one Manner may be made diuers at this day.

Lord. How I pray you?

Sur. If a Mannor descend to diuers partners, and
26. H.8.4. they make partition, and euery one hath Demeisnesse and seruices, euery one hath a Mannor, and euery one may keepe a Court Baron.

Lord. What if a man make a Feoffement vpon condition of parcell of his Manno2, o2 doe graunt a Lease to another fo2 life of part, o2 doe Intaile part, are not these parts still parcels of the Manno2?

Sur. If parcels of a Mannor bee once thus seuered, they immediatly become no parcels thereof: Yet may they all reuert and become parcels of the Mannor againe, as if the condition of the Feoffement bee broken, if the Tenant for life die, or the limitation of the Intaile discontinue for want of heires.

Lord. Then a man may say, that though such Land bee not, yet the reuersions are parcels of the Manno2s.

Sur. So it is intended.

Lord. Well, you haue reasonably well satisfied me in these points, yet would I gladly haue some further satisfaction of some other matters, touching the state and profits of a Manno2.

Sur.

Sur. I would bee willing to doe my best to content you, but you partly hinder me of other businesse. What else would you know? I wish breuitie.

Lord. It shall be so, neither shall you lose your labour: for I meane to vse you, if my future satisfaction be answerable to this former, may euery Mannor keepe a Court Barron?

Sur. Euery Mannor in the beginning, no doubt, might keepe a Court Baron, and so it may at this day, vnlesse the Mannor be so dismembred, as it wanteth that which may warrant the keeping thereof: For if all the Freeholders of a Mannor doe Escheat, or all but one, the Mannor is then disabled to keepe a Court Baron, for the Court cannot be kept without suters, which are the Freeholders.

Euery Mannor may keepe a Court Baron.

35. H. 8.

Lord. Then me thinks, the Mannor loseth the name of a Mannor: for if it lose the quality, it is not the thing: no more then a Logge that had fire, can be said a fire-Logge, when the fire is extinct.

A Mannor may loose the propertie, and so the Name. *Fitzh. 3. c.* A Seignory

Sur. It is true, it becomes no Mannor, but a *Seignory*, hauing no power to keepe a Court Baron.

Lord. An ignorant Surueyor, I see, may be easily deceiued, in terming that which is no Mannor, a Mannor, and that no Mannor, which indeede is a Mannor. But satisfie me in this one thing. A man hauing two Mannors lying together, and the one of them is decayd, and hath lost his power to keepe a Court Baron, and the Lord is willing to haue the Tenants of both these Mannors to doe their suites and seruices to one Court, namely, to that which standeth yet in force, and that me thinks were good for the Tenants to ease them, and it would preserue the Lords right without preiudise to any, for then one homage would serue both, and both serue as one, one Baylife, and other officers, as if it were an intyre Mannor.

Sur. Yet this cannot be, for this vnion of the Man-

nors

nors cannot extinguish their seuerall distinctions, for they will be still two in nature, howsoeuer the Lord couet to make them one in name, and the more powerfull Mannor hath no warrant to call the Tenants of the decayed *Seignory*, but euery act done in one to punish an offendor, in the other is trauersable, and therefore it is but lost labour, to practise any such vnion: if it be considered by such as are forced to seruice in this kind, they may refuse it: yet if they will voluntarily submit themselues to such a nouation, and the same be continued without cõtradiction, time may make this vnion perfect, and of two distinct Mannors in nature, make one in name and vse, and I doe not thinke but such there are.

How two distinct Mannors may be made one.

Lord. Then is there, as it seemeth, no meane to annexe two Mannors in one, howsoeuer necessary it were both for the Lord and Tenants.

Sur. Yes Sir, two Mannors may become as one, if one Mannor doe hold of another, and it escheat to the Lord, the escheated Mannor may be annexed, & vnited, and of two distinct Mannors become one, if the Lord will, in vse.

Lord. I am answered in this point, and it standeth with more reason indeede then the former: now I pray you tell me what things doe properly belong to a Mannor.

Sur. There doe belong to a Mannor, Lands, Tenements, rents, and seruices, as I shewed you before in part, which are a parcel in *demeisneste*, & parcel in seruice.

Lord. But speake, I pray you, something more at large of euery of these, and first tell me what demeisneste are.

Sur. Demeisneste are al such Lands, as haue beene time out of the memory of man, vsed and occupied in the Lords owne hands and maintenance, as the site of the Mannor house, Meddowes, Pastures, Woods, and arable land,

land, that were reserued for the maintainance of the Lords house from the beginning.

Lord. This then is that you call parcell in demeisne: what is that you call parcell in seruice? Parcell in seruice.

Sur. All those lands, tenements, and hereditaments which yeeld rents of assize, as rents of freehold, copyhold, or customary land: all which are parcell of the Mannor, yet no *demeisnesse*.

Lord. But is not all customary land Copyhold land? why then make you a distinction betweene copy and customary. Copie and Customary Land, and their difference.

Sur. All copyhold land is commonly customary, but all customary is not copyhold: for in some places of this Realme, Tenants haue no copyes at all of their lands or tenements, or any thing to shew for that they hold, but there is an entry made in the Court booke, and that is their euidence, and this especially of the auncient Duchy land of Cornewall, and other places.

Lord. These Tenants then may be called Tenants by Court roll, according to the custome of the Mannor, but not Tenants by copy of Court roll.

Sur. It is true, but they are held onely a kind of conuentionary Tenants, whome the custome of the Mannor doth onely call to doe their seruices at the Court, as other customary Tenants doe. Conuentionarie Tenants,

Lord. The word *conuenire*, whereof they be called conuentionary, doth, as I conceiue, import as much as to call together, or conuent: but what say you to the rents of Assize? What meane you by Assize?

Sur. Truly, for my part I take it to signifie, set in certainty: for these kind of rents are as in the beginning neither risen nor fallen, but doe continue alwaies one and the same, and onely they and none else can be properly called rents of Assize. Rents of Assise, why so called.

Lord. I thinke you take it rightly: and are all rents of one kind?

Three kinds of Rents.

Sur. No: there are properly three kinds, as rent seruice, rent seck, and rent charge.

Lord. These termes are strange to mee, though I bee Lord of many Mannors, and no doubt, I receiue rents of euery of these kinds, but how to distinguish them, I cannot tell. And whether I haue beene abused by mine officers or no, I know not: for they neuer told me of these many kinds of rents, and therefore let me intreat you, for my satisfaction, a little to explaine their seuerall natures?

How euery kind of rent is to bee paide.

Sur. These seuerall rents are paid vpon seuerall considerations, and haue seuerall grounds and commencements, and are diuersly to be leuied and recouered if they bee denyed. That which is called Rent seruice, is so called because it is knit to the tenure, and is as it were a seruice, whereby a man holdeth his Lands, or Tenements. As, where the Tenant holdeth his lands, by fealty and certaine rent, or by homage, fealty, and certaine rent, or by any other seruice and certaine rent, the rent is called rent seruice: for, as the seruice followeth a Tenure, so the rent followeth the seruice. And if this rent be behind, the Lord of Common right may enter and distraine for it.

1

The rent charge is so called, because when a man graunteth any land, whether it be in fee-simple, fee taile, for life, for yeares, or at wil, and in his deed reserueth a rent, with clause of distresse for non payment, by vertue of this clause, the land is charged with payment of the rent, by expresse words, and by force of it the Lord may distraine for his rent behind.

2

Rent charg most common at this day.

Lord. This kind of rent is at this day, I thinke, most common: for few will graunt Land, but they will make such prouision, that the land shall stand charged with the rent.

Sur. It is true, for at this day, there can be no rent seruice

uice rayſed, becauſe it cannot be without a tenure, which cannot be at this day created.

Lord. What is that you call Rent ſeck?

Rent Secke 3

Sur. It is a bare rent reſerued vpon a graunt, wherein there is no mention made of charging the land by diſtreſſe, and it ſignifieth *redditum ſiccum*, a dry rent, for the recouery whereof the land is not charged.

Lord. Few ſuch rents are now adayes, for a man had nede to make all the prouiſion he can to ſecure his rent, and yet he may be driuen to try his vttermoſt meanes to recouer it. But you haue ſatiſfied me alſo touching theſe rents: now let me intreat you to ſhew ſomthing of other things incident vnto a Mannor, by which the Lord receiueth profite or prerogatiue.

Profits of Mannors are infinite, and in all Mannors different.

Sur. Profites may riſe by infinite meanes and wayes out of a Mannor to the Lord, but all Mannors yeeld not profites or commodities alike neither in nature, or value.

Lord. I thinke indede all Mannors are not alike profitable to the Lord, neither hath euery Mannor like meanes, yet I deſire to know for my experience ſake, what may grow out of a Mannor, that I may the better looke into the natures and qualities of ſuch as are vnder my power and commaund.

Profits of Court.

Sur If you haue a Mannor or Mannors, there is (as I ſaid before) *a Court Baron* at the leaſt incident thereunto and to ſome *a Leete, or Law-day*, which is called the *view of franck pledge*, by which Courts doe grow many, and diuers *perquiſites* and *caſualties*, as *fines of Land, Amerceaments, heriots, reliefes, waiues, eſtrayes, forfeitures, eſcheats*, profites growing by *pleas in Court*, and ſuch like.

Lord. You may doe well to ſhew me, though briefly, what euery of theſe former things doe properly import, for to tell me the names, and not the natures of the things, is, as if I ſhould know there is a Sun, but whether he giue light and heate, to be ignorant. Therefore before you paſſe further in

any discourse, shew me how fines of Land doe arise vnto the Lord, and what amerceaments are, and the rest.

Fines of Land.

Sur. Fines of Land are of sundry kinds, and yet properly and most especially they arise of Copyhold, or Customarie Lands and Tenements, which are in diuers Mannors of diuers kinds: For there are Customarie Lands, which are called Copyhold of Inheritance, and they are such as a man holdeth to him and his Heires, according to the custome of the Mannor, at the will of the Lord. When such a Tennant dieth, and the Heire commeth to be admitted (if the custome of the Mannor beare a Fine certaine) hee giueth but the accustomed Fine: If it be vncertaine and arbitrable, hee agreeth and compoundeth with the Lord, or Surueyor, or Steward, for the Fine. Some hold Customarie Land for liues, as for one, two, or three liues, whereof the Fine is alwayes at the Lords will, as is also the Fine for yeeres. There are also Fines for licences of Surrenders of Customarie Land, and for Alienation also of free-hold Land, and these are called Fines, which signifieth as much as a finall composition: And when the Fine which is the end of the contract is answered, all but the yeerely Rent during the terme agreed vpon is paide. These and such like summes of money raised at a Court Baron, are parcell of the *Perquisites* of the Court, as are all *Amercements*, which are summes of money impoſed vpon the Tenants by the Steward, Surueyor by Oath and presentment of the Homage, for default of doing suite, or for other misdemeanors punishable by the same Court, infinite in number and qualitie.

Fine why so called.

Lord. Whence taketh the word Amercement name?

Amercements.

Sur. Of being in the Lords mercie, to bee punished more or lesse, crumenally at the Lords pleasure and will.

It

It is no doubt, a borrowed word, as many other words vsed in our Common lawes are: For hee that is Amerced, is said to bee *In Misericordia*, that is, in the mercie of some body.

Lord. These words may bee vnderstode by vse, and by the maner of the vse of things: But he that should seeke the Etymon, among the Latines, of the Substantiue Amerciamentum, and the Adiectiue Amerciatus, might seeke long, and be neuer the neere. But I perceiue, we must take it as our Fathers first framed it and left it, I vnderstand what it meaneth in our common sense, and that sufficeth.

Sur. Other words, not a few, in like sort to be vnderstood, we find in vse amongst vs, which doubtlesse the Romanes neuer knew: And yet they that haue to doe with the things wherein they are vsed, vnderstand the meaning, although their deriuations bee strange, as amongst others it is questionable, whence the name of a *Heriot* may be deriued.

Lord. That would I be glad to learne: For I haue to doe sometimes with Heriots. But because I know not why they are so called, what they bee, how, where, when, by whom, and for what they should be answered, I doe feare I am sometimes abused. Heriots. 3

Sur. I may tell you as I haue heard, and of my selfe coniectured, whence the word commeth. But I haue no certaine Authoritie for it. It may be said, and most likely it is, that it should come of the word *Herus*, a Lord and Master: and *Heriotus* belonging to the Lord. And it was in the beginning a thing for the Warres, as the best Horse a man that died had at the time of his death. And the Saxon word *Newges* had the same signification that the word *Heriotus* hath, and importeth a thing pertaining to the Warres, which was a Horse trapped, or a Speare, or Armour, or a Sword, or some such Mi- Heriots whence so called.

litarie weapon, which was parcell of the Tenants seruice due to his Lord; and if such a Tenant had beene slaine in the Warres in the companie of the Lord, hee had paide no Heriot. *Si quis in exercitu, siue in regno, siue extra, pugnans coram Domino, mortem oppeterit, ei condonatur & remittitur Heriotus.* Whereby it seemeth, that his seruice in the VVarres belonged vnto the Lord, and Death being the vttermost end of his seruice, hee had done as much as his seruice bound him to performe; and after his death, his horse and furniture came in place of the seruice due vnto the Lord, and thereof called a *Heriot*, being due vnto the Lord *De Iure* after his death, and the remission was of any further *Heriot* of his goods, then that which hee left behinde him at his death in the Field, which of right the Lord might seize, as it seemeth by these words, *Si quis in Curia, siue morte repentina fuerit intestatus mortuus, Dominus tamen nullam rerum suarum partem, præter eam quæ iure debetur, Herioti nomine, sibi assumitur.* So that it appeareth, that at the death of euery Tenant, there was due vnto the Lord of the Manor of right this *Heriotus*, a thing appertaining to the Lord.

Of a man slaine in the Warres in companie of his Lord, left his Horse and Armor for Heriot. 19.H.7.c.15

Lord. It seemeth by the quality of the thing thus due vnto the Lord, that indeede the name comes as you say of herus as proper or belonging to the Lord: but howsoeuer, the things continue due and answerable to the Lord at this day: I thinke, Tenants are not bound to like attendance on their Lords as in times past, and therefore whether are not these heriots something altered in their kind, or do they continue as in the beginning?

Sur. Tenants are not freed of their seruice, nor *heriots* altred, but they are by their Tenures bound as at the beginning, to attend their Lords in the warres, but that

the

the manner of the proceeding to set forth and to presse men to the warres, is not alike, and therefore the discontinuance of the forme of the generall performance of this kind of military seruice, hath bred a kind of confusion of these petty and inferiour seruices betweene Lords and Tenants, yet not taken away the right of their seruice. Before the Conquest, *heriots* were paid according to euery mans ability, and so are they now, as the best horse, Oxe, Cow, or such like, sometimes in money, and sometimes the best implement of the house of him that dyed.

Tenants are bound to attend their Lords, by force of their seruice, to this day.

In what things Heriots are paide.

Lord. **A heriot is neuer paide, but after the death of a Tenant.**

Sur. Yes, in some places, if the Tenant surrender, or will voluntarily depart from his customary Tenement or lands, he shall pay to the Lord his best quicke good, in the name of a *heriot*, and in some places a peece of money, in the name of a farewell.

A farewell paide in money.

Lord. **It falleth out in a Manno*r* of mine, that diuers customary Tenements heriotable, are dismembred, and such Tenements as in former times could yéld vnto the Lord a good Horse, Ore, or Cow, cannot now yéld any quicke good at all, because the Lands are sold from the Tenement, and I lose my right: what remedy haue I?**

Sur. You must take such a *heriot*, as the Tenant deceased hath at his death.

Lord. **But the Land which belongeth sometimes vnto the Tenement wherof he died seized, is seuered so, as there is no intire parcell in any other mans Tenure, aboue one or two acres: is there nothing due for that at the death of the chiefe Tenant?**

Sur. No surely: for the Lands being lawfully surrendred, whereof the Lord cannot but alwaies take knowledge, (for it cannot be done without his consent,) he can not pretend to haue wrong therein: yet this benefite remaineth

A smal parcell of heriotable land draweth a Heriot.

maineth to you that are the present Lord: You may take the aduantage of any quick, or dead goods, which any of the Tenants haue at their deaths, that hold any of the parcell of the Land lately belonging to this heriotable *meest place*. And if a Tenant haue but halfe an acre thereof, and haue elsewhere more land, within, or without the Mannor wherevpon hee keepeth, any kind of Cattell of whatsoeuer value, the best is yours, whersoeuer you can lawfully seize it after his death, yea, although it bee vpon his free-hold, as some say.

Whence a Heriot may be seized.

27. Li. Ass. 24

Lord. I like that well: yet I promise you, it is more then I thought I might haue done, and I haue lost much by mine ignorance. But may I not compound with all such Tenants as haue these parcels, to giue for euery acre so much money, *nomine heriotis*: and may not that agreement bind them and their heires for euer, beeing recorded in the Court roll?

A composition to raise a new Custome, cannot stand.

Sur. No Sir: you cannot make any niew custome, although all the Tennants consent willingly thereunto: yet if such a composition were made and continued without any contradiction of posterities, time might create a new custome, by prescription, and be good.

Lord. What if a Tenant haue seuerall heriotable Tenements, and dye: whether shall he pay one or more heriots?

Many heriots after the death of one.

Sur. He shall pay as many as he hath Tenements heriotable.

Lord. But there comes a thing into my mind: I pray thee, if thou canst, resolue me. Whether is the heriot payd in respect of him that is dead, or in respect of him that is to possesse the land after him?

Sur. In respect of him that is dead, plainely: for it is not said, It shall be the best good of him that shall inherite, but of him that dyed, and whatsoeuer Legacies he gaue by his Testament, the Lord will haue his due, howsoeuer they be answered, and may seize it though it bee sold.

Lord

Lord. It stands indeede by reason. But is there but one sort of heriots?

Sur. There are two sorts, the one called *heriot custome*, the other *heriot seruice*. It is held of some, that Tenants in fee-simple only pay *heriot seruice*, and not a Tenant for life, and this kind of heriot is commonly expressed in the graunt, or deede, and the Land is charged with the payment, and therefore the Lord may distraine, or may seize it, and if the Tenant bring his action for the taking, the Lord may auow as for other seruices. *heriot custome* is of another nature, for it is held to be *de gratia*, a meere benenolence, giuen to the Lord by his Tenant, at the time of his death: and now hath custome confirmed it as a debt due, recouerable by force of iustice. Some say, it was first giuen by Villaines and Bondmen.

Two sorts of Heriots.

Heriot Custome.

Bracton.

Lord. That needed not: for if the Villaine and all that he had, were the Lords of common right, as I haue heard it was, what needed the Lord to take a benenolence, when hee might haue taken all at his pleasure?

Sur. You say truly, yet it might be giuen as a continuall future gratification, vpon their infranchisements and manumission, to be yeelded at the death of euery such Tenant. Diuers customes of diuers places make diuers kinds of yeelding *heriots*.

Diuers places haue different Customes.

Lord. I know that well for custome, as is said, is aboue the law. Now I pray you, say something touching Reliefes: for I take, that was the next branch of your diuision of the profits rising of a Manor: but first, whence comes the word?

Sur. *Relief* in French, is as much as *relenatio* in Latine, which is deriued of *releno* the verbe, which is, to raise and set vp againe, and therefore *M. Bracton* saith, *Releuatur hereditas, quæ fuit iacens per mortem antecessoris.* Whereby it appeareth, that the heyre payeth this relief, as a consideration and recompence vnto the Lord, to be rai-

Reliefe.

4

The Heire paieth reliefe.

sed vnto the possessions of his deceased auncestor: for this is al the benefite that the Lord hath after the death of his former Tenant, hauing neither the custody of the land, or body of the heyre, as in some cases the Lord hath of both.

The difference betweene a Heriot and reliefe.

Lord. The difference then, as I gather, betweene an heriot and reliefe, is, that the heriot is paid in the name of the Tenant deceased, and the reliefe in respect of the heire that is to become Tenant after the death of his auncestor to his possessions: but whether of these is the most auncient?

Sur. Surely the *heriot*: for that was giuen in the Saxons time, as is prooued before, and that especially of things pertaining to warre, but the *reliefe* came since by the Normans. And where these matters of warre are continued and paid in kind, it is vnder the name of *heriot*, but where the Normans made composition, and tooke money for all, it is called *reliefe*: so that it seemeth, that both these in the beginning were one, but now become two distinct things, both in name and nature.

Heriot and reliefe supposed sometimes one.

Lord. You haue before told me how the heriot is: now tell me how the reliefe is paid.

Sur. The *Reliefe* is payd after the death, change, or alienation of euery freeholder, or of a Tenant in auncient *demeisne*. And the *reliefe* in some places is the whole yeeres rent, and in some places halfe a yeeres rent, as the custome of the place permitteth: and if the *Reliefe* be not paide, the Lord may distraine of common right. And if a free-holder hold of the Lord by Knights seruice, and dye, his heyre of full age, the Lord shall haue of the heire, for euery Knights fee, a hundred shillings for reliefe, and if the land be more or lesse, the reliefe is to be apportioned according to that rate.

29.H.7.C.15 How a reliefe is paid

Lord. What quantity of Land is a Knights fee?

Sur.

Sur. There is some difference of the quantity of a Knights fee, as the customs of the places doe differ in measure of land. for in the Duchy of Lancaster, a Knights fee containeth foure hides of land, euery hide foure plough lands, called in latine, *Carucata terræ*, and that is, *quantum aratrum arare potest in nouali tempore*: and that is (as I take it) which is in the North parts called an Oxe gange. And euery plough land or carue, is foure yard land, which in latine is called *quatrona terræ* euery yard land thirty acres. So that euery *Carue* or *plough land* contayneth a hundreth and twenty acres: euery hyde of land 480. acres, and euery Knights fee 1920. acres. But after some computation, a Knights fee contayneth fiue hydes of land, euery hyde foure yard land, euery yard land twenty foure acres, after the common account.

The quantitie of land of a Knights Fee.

Hida terræ. Carucata terræ.

Quatrona, siue virgata terræ.

Lord. There is then great difference betweene a Knights fee of the Duchy of Lancaster, and the common account of England, as it appeareth. But seeing wee haue gone so farre how many Knights fees make a Barony?

Sur. Two Knights fees make one *Cantred*, which after the first computation, amounteth to 3840. acres. Six Cantreds ½ maketh a Barony 25600. acres, whose relefe is 100. Marks. One Barony ½ make an Earldome 38400. acres whose relefe is 100. pound.

The quantitie of land of a Barony *Mag. Cart. Cap. 3.*

An Earledome.

Lord. Doe these proportions of Land alwayes hold, with their titles of honour?

Sur. Surely no: for we may obserue, they are increased, and diminished, as men are in disposition to spend, or save, to adde to, or to dismember their patrimonies. But these were the proportions at the first institution of these particular allotments, and the denominations doe hold, though the quantities of the land be more or lesse: the lesser parts we see, as yard-lands, plow-lands, &c. differ

fer, as the custome of euery Country drawne by time, doth at this day hold and allow them: but that is no preiudice to the first purpose, which allotted a certaynty to euery part, and a certaine relefe to be paid, according to the first institution of euery part, and the payment followeth the title, not the quantity.

Lord. You haue said enough of reliefes: now speake of the rest: and as I remember, the next after reliefes was wayues, what are they?

Wayues, or wayued goods.

Sur. *Waiues*, or *wayued goods*, are goods or chattels of what nature soeuer, stolne, and in the fugacie of the thiefe, he leaues them behind him for want of conuenient carriage, or conueyance, being pursued: and whersoeuer such goods are, they are the Lords of that Mannor or liberty wherein they are found, if the prerogatiue of the Mannor will beare it: for euery Mannor will not carry them, but such as haue it by graunt from the King.

Lord. Whence commeth the word Waife?

Waife, whence deriued.

Sur. The goods thus stolne and left behind the thiefe, are called in Latine *Bona*, or *catalla waniata*: a word, which our common lawyers onely vse, and the signification is gathered by the vse: for I thinke, none that is a stranger to the termes of our common lawes, be he neuer so well seene in tongues, can say this word signifies the thing for which it is now taken.

Lord. Well then, as long as we vnderstand the meaning, by the vse, it sufficeth, without further examination, or disputation about the word it selfe. But how is it to be proued stolne goods: for it may be as well casually left, as feloniously stolne.

How to proue wayued goods.

Sur. Therfore when any such thing is found within a Manor, the *Baylife*, or other the Lords officer, seiseth it to the Lords vse, as a thing wherein at the instant no man claimeth property. And if it bee not euident by the pur-

suite

suite o fthe theefe, that it was stoln it is proclaimed & presented the next Court, and found by the Iury of what nature it is, and that the property is in the Lord: and because these & *Estraies* are spoken of at large at euery Court Baron by the Steward, no man can pretend ignorance of them, therefore I will omit to speake any more of them. But, a litle of *forfeytures*, though no doubt, you being lord of many Manors, know right wel what they are, and how they grow, and the Tenants no doubt, could wish you and other Lords knew lesse then generally you doe, how and when they happen. Forfeitures

Lord. Tush, if there were no penalties, men would commit offences without feare, and if there were no forfaitures for abuses done against Lords of Mannors, Tenants would too boldly make wastes and spoyls of the Lords inheritance, without regard of law, loue, or humanity: and therefore let me heare your opinion what forfaitures are, and for what causes, Lords of careleste Tenants may take aduantage of forfaytures, who may omit and forgiue as they see cause. Forfeitures fit to curbe offendors.

Sur. I know many Lords too forward in taking aduantage of forfaitures vpon small occasions, and if manifest cause be giuen them, they shew little compassion: And if I knew you were a man desirous to take aduantage in this kind, I would be sparing to discouer any thing tending to that liberty: for, I well conceiue, that the law did not so much prouide, to enrich the Lords of Mannors, by their Tenants forfaitures, as to keepe Tenants in good order, and to restraine them (with feare of loosing their Tenements) from rash and wilfull abuses. And therefore in all forfaytures, there are diuers circumstances to be considered; as whether the Tenant did it ignorantly, negligently, or as constrained through necessitie. In these cases, whatsoeuer law in extreame iustice The chiefe end of Forfeitures.

alloweth, a good conscience forbiddeth to take aduantage, though the second bee worthy to suffer some smart: for negligence cannot be excused: for nature it selfe teacheth beasts, and they in their manner of liuing, vse a kind of prouidence. But if the forfaiture be committed wilfully or malitiously, it deserueth in the first, little, and in the second lesse pitty. Yet where a good mind is, there lodgeth no reuenge, or couetous desire. And where neither of these are, there all extreamities die. Yet I wish, that in these last two cases, the offendors should be punished more *in terrorem*, for examples sake, then to satisfie the greedy desire of a couetous Land-Lord, who (though he may say, he doth no more then the law warranteth) doth yet straine a poynt of Christian charity, by which men are bound to measure all mens cases by a true consideration of their owne. So shall he that is Lord of much, and of many Mannors, looking into the law of the great Lord, of whom he hath receiued, and holdeth whatsoeuer he hath, find, that himselfe hath committed a forfayture of all, if his high Lord should take aduantage of all the trespasses and wrongs hee hath done against him.

A good moane to make Land-lords sparing to take Forfaiture.

Lord. You are out of the matter, whereof your talke consisted. I desire you not to tell me how farre I may take a forfayture by a good conscience, but what a forfayture is: and referre the taking and leauing the aduantage, vnto such as haue the power to punish or forgiue.

The part of a good Surueyor.

Sur. So must I when I haue spoken all I can. But I hold it not the part of an honest mind in a Surueyor to be an instigator of the Lords extreamities towards his Tenants: though I confesse he ought to doe his vttermost endeuour to aduaunce the Lords benefit in all things fit and expedient, yet ought his counsaile and aduice to tend no further, then may maintaine obedience

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in the Tenants towards their Lords, and loue and fauour of the Lords towards their Tenants, which being on all sides vnfayned, neither of them shall haue iust cause to complaine of, or to vse rigor to the other, for it is not the act or himselfe of any extreamity, that is onely to bee reprooued, but the abetter thereunto: and if I wist that any Lord, who shall require the vse of my poore trauailes, would expect more at my hands, then the performance of my duty with a good conscience, I had rather leaue then take the reward for such a trauaile. Neither doe I find that you, howsoeuer your reason of this poynt, will commit any act toward any Tenant you haue, that may not be iustified by the law of loue: therefore I leaue further to perswade or disswade you herein. And as touching the matter and manner of forfaitures, I pray you vnderstand, that they be of diuers kinds, and diuers waies committed: for in some Mannors it is lawfull to doe that which in others incurres a *forfeiture*. *Forfeitures* grow either by breach of a custome, as in Customary or copyhold land, or of a condition or promise in a Lease or graunt, of which last, the Tenant cannot say he did not thinke it was so, because the meaning is expressed in his deede, but of the former, silly men may be in some sort ignorant, if they haue not a Custome roll among them to leade them. But for the most part, causes of forfaytures are apparent, and knowne of all within a Mannor: *as non payment of their rent, not doing his seruice, felling of trees vpon his customary land*, where custome inhibits it, *letting his customary Tenement to fall downe, alienating his copyhold land without the Lords licence, committing waste*, and such like, which as I said before, are not alike in all places, and therefore it is most conuenient that the customes of euery

Forfaitures diuers in diuers Mannors.

A custome Role necessarie.

Causes of Forfeitures.

euery Mannor were knowne, and the Tenants made acquainted with them, that when question groweth for any cause of forfayture, they may not say they knew it not: for Lords commonly know better how to take aduantages of such casualties, then the Tenants know how to auoyd them.

Lord. You speake that is reason, I confesse. But may a Lord enter immediatly vpon a forfaiture?

Sur. The forfaiture must be first presented to the homage at the next Court holden for the Mannor, & there found, and recorded, and then hath the Lord power to shew iustice or mercy. It were inconuenient, that the Lord should bee iudge in his owne cause, and his present caruer of things doubtfull. And therefore hath the lawe ordained, in all controuersies, euen in these inferiour Courts, a iust manner of tryall by iury.

How and when a Lord may enter after a Forfeiture

Lord. May none, but copy-hold Tenants, forfait their Land?

Sur. I shewed you before, that Tenants by deede indented for life or yeares, may forfait their estates, but that is by couenant or condition expressed in the deede, according to the prescript agreement made, and interchangeably confirmed betweene the Lord and his Tenant.

Lord. What is an escheat for, as I remember, that followeth in your formerly recited perquisites of Court.

Sur. Escheat is, where a freeholder of a Mannor committeth felony, the Lord, of whom his land is holden, shall haue his land, and that kind of forfaiture is called *escheat*.

What Escheats are.

Lord. The Lord may then enter immediatly into this Land, because the lawe hauing tried the felony, it casteth the Land vpon the Lord?

Sur. The King hath it for a yeare and a day, and then com-

commeth it vnto the Lord, and his heires for euer.

Lord. Is this all the causes of Escheats?

Sur. *Escheat* may also be, where a freeholder, Tenant in auncient *demeisne*, and a customary Tenant of inheritance, dieth without heire generall or speciall, and none of the bloud comming to claime the same, it falleth vnto the Lord, by way of *escheat*. Escheat for want of Heriots.

Lord. This then is immediatly the Lords, and the King hath no part, or time therein, and without any further ceremony, he may enter and dispose of it at his pleasure.

Sur. It must be also first found, and presented by the homage of the Mannor whereof it is holden: and after proclamation made to giue notice vnto the world, that if any man come and iustly claime it, he shall be receiued: the homage then finding it cleare, doth intitle the Lord thereof, as a thing escheated for want of an heire. How Escheates are found.

Lord. You speake of an heire generall or speciall, what difference is there?

Sur. The heire generall, is of the body of the deceased, and the speciall, of his bloud or kinne.

Lord. So haue you satisfied mee thus farre: now what say you to the pleas of Court? for I remember, it is part of that you before spake of.

Sur. It is true: they are parcell of the *perquisites* of Court. Perquisites of Courts.

Lord. Whereof commeth the word Perquisites?

Sur. Of the word *perquiro*, (as I take it) which signifieth to search for: or to enquire diligently, as also to get or obtaine.

Lord. It may well be so: for these things before rehearsed vnder the name of Perquisites, are all casuall, and not at all times alike: and therefore may be called Perquisita, things gotten by diligent enquiry. And to that end, so many things are giuen by the Steward to the Iury of a Court Baron, and

Perquisite, why so called.

Leete in charge, that they should diligently enquire of them, find them, and present them: and yet scarcely one of forty, of the seuerall things, wherewith they are charged, are found by the Iury. And somethings happen at one Court, that happen not againe in twenty Courts after: and therefore are also called Casualties, as happening now and then, as I conceiue it, hauing little experience in them.

Sur. Yes: it seemes you haue the better part of experience, namely, the receiuing the profits that any way happen within the Mannor: some know the same, but as appertaining to others, not to themselues. Of this nature also are the profits that arise by *Pleas of Court*, which because they are diuers, and do diuersly arise, there needs no long relation of them.

Lord. Are there no other Perquisites of Court, but such as you haue already remembred, nor other profits arising to a Lord of a Mannor?

Sur. There be many other profits that may grow also vnto a Lord of a Mannor: yet they not certaine, nor in all Mannors alike.

Lord. Then are they also casuall: and may be called also Perquisites of Courts.

Perquisites, but not Perquisites of Court.

Sur. Casual: but not *Perquisites of Court*, yet some of them may be called *Perquisita* in some sense, because they be gotten by search and inquirie, as those that are hidden in the earth: Treasures, which, as long as they lie vnknowne, benefit not the Lord: but when they are found they are called *Treasure troue*, as *Siluer*, *Gold*, *Plate*, *Iewels*, and such like beforetime hidden, which appertaine vnto the Lord. So doe *Minerals* of *Lead*, *Tinne*, *Copper*, and such like: And *quarries* of stone, *Free-stone*, *Slate-stones*, *Marking-stones*, and all such: which may long lie vndiscouered. As may also *Cole*, *Lime*, *Chalke*, and such like: for which, search being made, are haply found: yet because

Treasure troue.

cause the benefite is vncertaine vpon the present, and what continuance & vent it may afford, they may passe vnder the name of *Perquisites*, and *Casualties*: as may also *Fishing* and *Fowling*, vnlesse the Lord can bring the same to be of a certaine continuing rent: then are they no more casuall during the graunt, but are in nature of other rents certaine. And of these kinds, are infinite other things, incident to some Mannors, but not to all. As the profits of *Eaires*, and *Markets*, *Woodsales*, *sales of heath*, *flags*, and *Turbarie*, *pawnage*, and such like. All which are in themselues vncertaine, as touching the value, vnlesse they be turned into a rent certaine.

How casualties may become certaine.

Lord. That I take is the surest way for the Lord, for hee that commits the dispensation of these vncertaine things to Bailiefs, vnlesse they bee very honest indeed, may make their Bailiefs rich, and raise little profite vnto themselues, as I am taught by experience, especially dwelling a farre off from my Mannors.

Sur. Yet the Lord must bee warie how hee lets these casuall things, before he know what they are, how they rise, and what profite they may yeeld, how they will continue, and to whom, and vpon what conditiõs he grants them. Otherwise he may be ouertaken and much abused: for a Secret once let, cannot be reuoked at pleasure.

Lord. You may indeede call these things Secrets, because their validities are not suddainely apprehended or found, being in themselues Nouelties, which sometimes come short, sometimes exceede the hope a man hath in the value of them.

Sur. Therefore I say, it behoueth the Lord, to whom such casualties shall befall, first to make due and diligent triall by men, both of trust and experience, what may be made of any such thing by the yeere: For such is the warie dealing of some, that haue the guiding of

Policie in Bailiefes, and Ouerſeers.

things of this caſuall nature, that they will obſerue the conditions and qualities, circumſtances and value to themſelues, and diſable the thing, and extenuate the value, to the Lord, to bring him out of conceite with the goodneſſe and validitie thereof, to the end they may obtaine a graunt, as hath fallen out in many things, and to many men, whoſe future profit of the things thus atchiued, haue approoued the Lord to be much abuſed. This I knowe by experience, in the graunt of a *Cole-mine*, which as long as it was in the Lords hands, it yeelded a ſmall yeerely reuenew, vntill he that managed the ſame, got a graunt of the Lord, and then the profit was twiſe quadrebled by the Leſſees owne confeſſion. The like of a *Salmon fiſhing*, wherin the Lord loſt two parts in three, and yet at the time of the letting, made to beleeue, it was hardly worth the Rent: Yet would I wiſh the Lords of Mannors in theſe caſuall things, would be contented, after true triall made, to grant the ſame for a reaſonable rent, though the leſſee gaine: for the trauaile and hazard in theſe vncertaine things deſerue ſome fauour: for in receiuing a rent, is little toile, and as little danger. But in theſe kinds of things, is vncertaintie of profit, and aſſured care and labour.

Lord. **I obſerue by your diſcourſe, that you ſéeme verie indifferent betwéene the Lord and Tenant: I miſlike it not ſo you ſtand firme to the Lord that employeth you, as right and equitie requireth.**

Sur. Euerie profeſsion Sir, hath his defects: if they be voluntarie or wilfull, they are vtterly intollerable: for they be either for affection or lucre: negligent defects cannot bee excuſed: for they proceede of the want of heede, and careful induſtrie. But for my part, I will indeuour

All profeſſions haue defects.

deuour to discharge my dutie truly, and will wade in the businesse, both mine eyes opened: but when I consider the Lord and the Tenants, I will shut them both.

Lord. Will you so? Is that all the care you will haue of the Lords benefit, that payeth you for your trauell? And, shall the Tenant be as well respected as he? I thinke you will hardly proue a fit Surueyor for me.

Sur. If you require other then an vpright course betweene your Tenants and you, I reuerence your person, but desire not your seruice: For, know you this, I pray you, that as the land and the profits of it is yours, & your reuenues grow by the rents, labour, and seruice of your Tenants, your Tenants haue as good interest in their Tenements for their rent and doing their seruice, as you (vnder your correction) haue in the Mannor, according to the quality of the Tenures: and that being saued to them, and a good conscience to me, I shall doe what you will require.

Lord. It is as much as I desire: for that which I craue of you, is but to obserue and report euery particular thing, within the compasse of your Suruey, whereby I may apprehend truely the full estate of my Mannor as behoueth, and what commodities doe rise, or may by any meanes lawfully be raysed in the same.

What a Lord may iustly challenge of his Surueyor.

Sur. If a painter should draw your picture, Sir, and you hauing a blemish in your face, or defect in your limmes, would you thinke he dealt truely with you, if hee omitted the blemish, and made your lineaments perfect and straight, being deformed and crooked?

Lord. I know your meaning: I like no such flattery, neither would I he should make a straight leg crooked, but true conformity in all parts.

Sur. So will I as neere as I can: for neither in quantity, quality, nor value, will I, for I ought not be partiall

A Surueyor should be equall betweene Lord and Tenant.

for these are the things wherein iniury may be done to the Tenants: neither will I, for I ought not conceale or counterfait their estates, termes of yeares, liues, couenants or conditions, rents, seruices, forfaytures or offences, neither whatsoeuer profits, emoluments, or commodities that may any waies arise or grow vnto the Lord. For a partiall eye seduceth the heart, and the heart, the hand, and the hand the pen, which cannot but witnesse against a corrupt entry of these collections, many yeares after the Surueyor is in his graue.



Lord. Thou speakest as an honest man, and I mislike thée not, if thy words and thy works agrée. And séeing we are growne thus farre, I pray thée make an end of thy whole discourse, and tell me what else appertaineth to a Mannor.

Sur. I haue already declared the most. But Mannors much differ in their profites, For a Mannor of smal quantity of Land, and few Tenants, may be more beneficiall to the Lord, then a farre greater.

Lord. How may that be?

Commodities vnder the earth.

Sur. Diuers Lordships yeeld extraordinary commodities, some vnder the earth, some of the earth: some aboue the earth: as *Tinne, lead, copper, cole, stones, mil-stones,* and such like, found vnder the earth, which euery Mannor hath not.

Lord. But these are chargeable commodities to get.

Sur. So is the Lord of the Mannor at no cost in planting, plowing, setting, or sowing them.

Lord. That is true, but commonly the Land is barren where these things are found. And therefore it is a great worke of diuine prouidence, to yéld such a commodity from vnder the barrenest soyle, to supply the want thereof in places more fertile, of other things most behouefull for the reliefe of man. And yet in many of these barren places, groweth by the diligent man, corne in aboundance, as the Psal-

The wisedome of Nature.

mist

mitt saith: A handfull of corne shall be sowne vpon the toppe of the Mountaine, and the fruit thereof shall shake like the trees of Lebanon. *Psal.*70.16.

Sur. Where diligence is and the feare of God, there no doubt, God blesseth the labours of men, and *Waters euen the highest Mountaines from his chambers.* For when Israell turned to God from their Idolatrie, hee promised by *Ezechiel*, that their desolate places, and high Mountaines, should be tilled and sowne. *But he maketh a fruitfull land barren, for the sinnes of them that dwell therein.* So that whether God send his blessings vnder the earth, vpon the Mountaines, or in the Vallies, whether in grasse for Cattle, in hearbs for the vse of men, whether in Wheate, Oyle, or Vines: he truly intitleth none vnto them, but such as feare to offend him, and shew thankfulnesse. *Psal* 104.13. *Ezech.* 36.9. *Psal.*109.3,4

Lord. Though these words digresse from our present matter in hand somewhat: yet it is good, that both Lords and Tenants should know and acknowledge indeede, from whom all these good things doe proceede. For although they come, some from vnder the earth, some of the earth, and some aboue the earth, they be not yet the gifts of the earth, but of God, that hath prouided the earth to bring them forth to our vse. But what meane you by the things of the earth? come not these of the earth? Lords and Tenants must acknowledge all to come from God.

Sur. Yes, I confesse it: but some things are more perfect of themselues then other. But such as by an extraordinary working of mans art, are made of the earth, I tearme things of the earth, and they also rest to the benefite of the Lord of that Mannor where such earth is found: as the earth whereof *Allome*, *Copras*, *Salt-peeter*, *Glasse*, or other such is made, together also with *Fullers earth*, *Bricke*, *Tile*, & *Potters clay*, which are not common. Things made of the earth.

Lord. Is there any other thing Materiall, incident to a Mannor?

Sur.

Sur. Yea, and amongst all the rest of the priuiledges which the Lords of Mannors haue to raise their further benefites by, are two not yet mentioned, wherein if they be not very precise and circumspect how they bestow them, and in what sort they dispose of them, there will follow a fearefull account, when the great Lord of all Lords shall take suruey of the things done by the Lords of the earth.

Lord. **What are these things, I pray you, that you make such scruple to vtter them?**

Sur. Things of themselues lawfull by the lawes of the Land, where they be iudiciously and carefully handled, as they are by the lawes intended, and by the chiefe disposers meant: namely, the marriages of *Wards*, and disposition of their lands in their minorities, and the presentations of benefices in the gifts of priuate men.

Wards.

Presentations.

Lord. **For the first, I haue not yet occasion to make proofe how or what they are, but the second, I haue had some power to bestow, wherein I was not so remisse, as that I presented such as were not fit for the function, which I think is your meaning: and therefore let that passe a while, and learne me what a ward is, and how he and his land is to bee disposed by the law, that I may learne it against the time I may haue vse, to dispose both the Ward and his land.**

Sur. The word Ward is as much as Guard, which signifieth tuition or defence, and he that is in ward, is vnder some mans gouernment and keeping: and the word hath a passiue signification, as it is vsed in our common speech, and yet the same word is also vsed in the actiue sense: as they that watch or attend for the defence of any are called the Ward or Guard of that person or thing they doe protect. But the Wards whereof we are now to speake of, are the sonnes or daughters, heires to some person,

The word Ward, whence taken.

person, that held his land either of the King in chiefe, or of some inferior person by Knights seruice: whose heire male being vnder the age of 21. yeares, and the female within the age of 14. yeares, the Lord shall haue the Ward, Guard, or custody of the body and of the lands so holden of him, to his owne vse, vntill they come to these ages, without making account to the heire when he or shee comes to age, as law bookes will tell you. Wards what they are.

Lord. Then me thinks, the word as it is commonly vsed, is improper, namely to call such an heire a Ward; it is more proper to say, he is in ward, and not a Ward.

Sur. I take it as you doe.

Lord. But what is the reason that the Lord should haue the land to his owne vse? why rather doe not the profites redound to the vse of the heire in his minority.

Sur. This kind of wardship had some reason for it in the beginning. For you must vnderstand, that he whose sonne or daughter is to be thus guarded, and his land to be disposed by the lord, was in his life time bound, by the Tenure of his land, to doe manly and actuall seruice in person in the time of warre: or to keepe a Castle, with some kind of warlike weapon, in the time of warre and peace. And these kinds of capitall seruices were called either Tenures *in capite*, as holden of the King, who is the chiefe, Escuage vncertaine, grand sericantie, or some other like seruice, and was called *seruitium militare*, seruice of a Souldier, now called Knights seruice, for the title of Knighthood came first by military seruice, and *miles* signifiing a Souldier, signifieth also a Knight, though euery Knight now be not a Souldier by profession, yet euery approoued Souldier is a Knight by imputation. For hee that holdeth by these seruices, though he be not a Knight yet the seruice is called Knights seruice. And these seruices What Tenure draws Wardship.

ces were not to be discontinued, for to that end, were the lands first giuen by the King and other inferiour Lords of Mannors, that they might haue the continuall seruice of their Tenants. And therefore whensoeuer the Tenant of such a Tenure died, hauing none to supply the place of like manly seruice, the heire being vnder age, and not of power, the Lord was, and is supposed to be bound for the defence of the Realme, to performe the seruice by a person, for whome he must answere in the heires minority. And because the charge was in former times great and dangerous, and the land giuen onely for that cause, the Lord was to keepe the heire, and to see him trayned vp, and to be made fit for the same seruice: and for his maintainance and supply of the seruice, to haue the vse and profite of his Land, vntill he became able to performe the seruice himselfe in person, and wherein I hold the heire hath no wrong in law nor conscience.

The cause.

Lord. I thinke this to stand with great reason: for if it had not beene thought reasonable, the lawes would not haue prouided in that case as they haue done: as it appeareth by your relation.

Sur. Many Statutes indede haue beene made touching *Wards*, Mag. Cart. ca. 4. 7. & 28. Marl. cap. 6. 7. 8. &c. Westm. 1. Westm. 2. and many Statutes since, to which I referre you, too long here to relate.

Statutes for the confirmation of Wardships.

Lord. What needed you then to giue such a strict caueat touching Wards?

Sur. Truely, to put Lords and others, into whose hands they often happen, in mind to be carefull of their education and disposing: because many inconueniences follow, if their Guarders be not faithfull, and prouident for their well bestowing.

Lord. How, in bestowing?

Sur.

Sur. In mariage. For the Lords haue the mariage borh of the Male and Female, if they bee vnmaried at the time of their anceſters deceaſe. And it falleth out many times, that partly for their land, and partly for their mariage, they are bought and ſold, and maried yong, and ſometimes to ſuch as they fancie not, and when they come to riper iudgement, they bewray their diſlikes too late, and there growes diſparagements. And ſometimes their education is ſo ſlenderly regarded, that when they come to gouerne themſelues, and their families, their eſtates and patrimonies, they diſcouer what their education was, good or euill.

Mariage of Wards.

Lord. There bee three eſpeciall ends whereunto the good education of ſuch an Infant ſhould tend, as I ſuppoſe. The firſt and principall, is feare of God, in true Religion: the ſecond is, the benefit that the Common-wealth ſhall reape, by his vertues ſufficiencie: the third and laſt, the abilitie by which hee may gouerne his familie, and manage his patrimonie, for his beſt maintenance. But what can you now ſay, touching the ſecond of theſe chiefe points? Namely, the preſenting of Clarkes vnto Eccleſiaſticall liuings, and how it commeth to paſſe, that our Lay-man (as he is called) may nominate and preſent a Clarke, to a Parſonage, Vicarage or free Chappell, whoſe function is high, and diuine.

Three ends where vnto the good education of Wards tendeth.

Sur. The reaſon why theſe *Lay-lords* of Mannors do preſent, as aforeſaid, is in right of the *Parſonage*, *Vicarage*, or *free Chappell*, belonging to their Mannors, and where the Lord of the Mannor is verie and vndoubted Patron of ſuch an Eccleſiaſticall gift, he may make his choice of the Parſon, or Vicar. Alwaies prouided, by diuine ordinance & humane inſtitutions: he muſt be *Idoneus*, fit for the place.

Why Lords of Mannors doe preſent Clarkes.

Lord. But lyeth it in the Lords power, onely to nominate and preſent ſuch a one? and is it then ſufficient if hee deeme the partie fit?

Sur. No, he must be approoued fit by his *Ordinarie*, the Bishop of the Dioceſſe, by whom he must bee instituted and inducted.

Lord. Then is the Lord in his nomination, and presentation, cléered of offence to the Church, if the partie proue after insufficient.

Sur. He is in some sort. But hee is bound in conscience to bee very circumspect in his choice. For if any carnall consideration mooued him to the partie, he standeth not cleare before God, into whose steade hee intrudeth himselfe after a sort in this case. But if hee doe it in a godly zeale of the good of Gods Church, hee will ayme onely to the vertues of the man, and not to any humane respect. For, although the party haue an higher probation, namely, by the *Bishop*, that is speciall of his *literature*, which is easily found by examination: But his qualities, conditions, and conuersation, by time and experience, and that must the presentor haue good triall of, before he either name him, or present him. For he is as it were the hand, that reacheth him forth to bee receiued of the Church. A matter farre higher and of greater moment, then euerie man that couets *aduousions* for such presentations sake, can reach vnto by their rashnes. For if they weyd the matter in the ballance of diuine iudgement, they should find their vnderstandings farre too light to performe it as they ought. For if he prooue vnprofitable, or scandalous to the Church, as too many doe, he that presented him so vnaduisedly, will fearefully answere it in time to come.

No carnall consideration must moue a Lord to present a Clarke.

What a Patrone must consider in his choice.

Lord. Now surely, although peraduenture some may thinke these things digresse much from matters of Suruey, yet I hold thy words within the compasse of it, for these are necessary obseruations and admonitions to vs that are

Lords

Lords of Mannors, and to whose lot it often falleth to performe this worke. And I hold thou hast in this, done no more than an honest Surueyor should, in aduising men, to be warie how they dispose of this part of their patrimonie.

Sur. Sir, I hold it neither part of their Patrimonie, nor part of a Mannor, neither a thing vnto them of any aduantage to their person, the greatest benefite is, that he may vpon the vacation, appoint a worthy man to teach himselfe, and his tenants, which as I conceiue it, is a sweet gain: for by the godly Minister, he and they may gaine heauenly riches.

A Parsonage or Vicarage no part of a Mannor.

Lord. As thou sayest, it is a great benefite, nay, it is a high blessing to haue a godly teacher of the people: and it is the blessing of God on him, that hauing a godly care, findeth, nameth and presenteth such a one: and wo to him, that negligently or wilfully doth the contrarie. But what say you to impropriations? for they also are within the compasse of a Suruey, where the Lord takes the tithes and nominates a Minister, Vicar, or other hireling, and he (oftentimes) vnworthy the turne, as is commonly decerned in to many places of this Realme.

Impropriations.

Sur. I know too many such, the more to bee lamented, and that in Mannors of great value, and parishes verie populous: whose continued ignorance of diuine duties, bewrayeth the originall to proceede, first from that *Satanicall beast*, to foster monasticall idlenesse. And as a matter too high for me, to aime at the meanes of reformation, I reuerently leaue to their discretions, who haue authoritie to reprooue it, and power to reforme it.

Lord. You say well: what else is there to bee considered, touching the things incident to a Mannor?

Sur. Nothing Sir, that I now remember: but a matter almost out of vse, a tenure called *Villanage*: that is, where the Tenants of a Mannor were *Bond-men* and *Bond-women*

Tenure in Villanage.

Bond-women, the men were called *Villaines*, and the women *Neiffes*.

Lord. It hath a base title: A Villaine is an opprobrious name, howsoeuer it toke beginning.

Sur. As the word is now vsed and taken, it is indeede a word of great dishonour: but the time hath beene, the word hath been of no such disgrace. And it is now but as the thing is meant by the speaker, and taken by him to whom it is spoken: although some say, that a villaine is *quasi seruus*: which name indeed is of a more tolerable construction in our common sense, then is now the name of *villaine*, which is indeede no more then *villanus*, a Rustique or Countriman, which word is in sense contrarie to *Ciues*, or *Oppidanus*, but that since the Conqueste by the *Normanes*, these *villaines* became bondmen: for where the Conquerour came and preuailed by force, there the Countrey people became *Captiues* and *Slaues*. But *Kent*, which was not subdued by the sword, but by composition, retained their freedome still, as did also many *Cities*.

Villaine quid.

Villaines came by Conqueste bondmen.

Lord. Why then should the name villaine bee so odious, if it signifie but a Countrey-man: for there are many ciuill, and wealthy Countrey-men?

Sur. Because they endured vnder that name, many kindes of seruitude and slauish labours, vnder their Lords as did the *Israelites* in *Egipt*, and whatsoeuer they possessed, was not theirs, but the Lords.

Lord. I blame not any man then, to take exceptions at the name: for he that would call me Villaine, and I were not, I thinke, meant to bring me into like thraldome: but I think there be not many vnder this kind of seruitude at this day.

Sur. There are not: yet there be as many *Villani* as in times past, in that sense, from which this word was first deriued:

Many *Villani* at this day.

deriued: which as I ſaid, was from the place of their inhabiting the Country, and Country villages & out-farmes. And a man may be called *Villanus*, without offence, vnleſſe it be ſpoken in opprobrious ſenſe: for if a man ſhould aske a Scholler how he would call, or what adiunct he would giue vnto a man, dwelling in a Country village or houſe: he would ſay he were *Villanus* or *Villaticus*, a man belonging to a village or to ſome Country houſe or Farme, for *Villa* ſignifieth a village, a Farme or a houſe out of a towne. *Cuius ego villam contemplans* (ſaith *Cicero*) whoſe Manor or Farme I beholding. So in Cornwall and ſome part of Deuon, a houſe in the Country is called a Towne. This I produce, to ſhew whence the word *Villaine* was firſt deriued. But the word at this day needes not to be ſo carped at, vnleſſe the party do the ſeruice of that *baſe tenure*, which vpon the Conqueſt was impoſed vpon the Country people: which kind of ſeruice and ſlauery, thanks bee to God, is in moſt places of this Realme quite aboliſhed, and worne out of memorie: yet ſome beare the marke, both in their auncient and new Copies, by this word *Tenens natiuus*, which ſignifieth a bond Tenant, or borne of the bloud: and yet it may be, their auncestors were manumiſed long agoe. And it were not amiſſe, that Stewards of ſuch Courts, wherein ſuch copies are made, would be carefull in making their copies vpon Surrender of ſuch a Tenant, whoſe auncestors euermore poſſeſſed the thing he ſurrenders: for when a free man ſhall take ſuch a copy, vnder the name of *tenens natiuus*, he hath wrong, and I thinke it little materiall, if the word were generally omitted, where there hath beene an infranchiſement: for the greateſt argument for the continuance is, to maintaine the antiquity

Villa ſignifieth a houſe, or Farme in the Countrey.

Tenens natiuus in a Copie, a badge of Bondage.

of the Mannor, and me thinks it were better that such an odious brand were cleane wiped and rased out of euery mans inheritance: although (no doubt) there are yet some within this Realme without manumission, fewe knowne, but more concealed, and some (no doubt) haue beene by the act of their Lord freed, and neither their Lords witting of it, nor the Tenants taking present aduantage: for if the Lord buy or sell with his bonde Tenant, it is an immediate infranchisement of the Tenant and his posterity. And some haue voluntarily released their Tenants of such a slauery. An act of charity.

Charity to free bondmen.

Lord. **Truely I thinke it is a Christian part so to doe: for seeing we be now all as the** children of one father, the seruants of one God, and the subiects to one King, **it is very vncharitable to retaine our brethren in bondage:** sith when we were al bond, Christ did make vs free. **I feare we are now most in bondage to pride, couetousnesse, gluttony, lasciuiousnes, drunkennesse, and such, if men could free them from these, they might say they were indeede manumised, and truely infranchised.**

Sur. You say well, and I wish that all men would but truely desire that manumission, and that you that are Lords would be conformed to a moderate course of exaction vpon your Tenants bond or free, that you that are Lords might liue of your lands, and your Tenants by their labours in such a measure, as you Lords should not be too strict in taking, nor they too backward in duty, but in a mutuall manner you to be helpefull vnto them, and they louing vnto you. And by this meanes, should your strengths increase farre more by their loue, then by your lucre, and their comfort grow as much by your fauour, as doth now their groanes vnder your greedines.

A mutuall course betweene Lords and Tenants.

Lord. **Me thinks you conclude more sharply against Land-Lords, then is cause, for I am of opinion, there is litle**

cause

cause why Tenants should so much grudge as some of them doe. If they say their rents are raised, or complaine of the greatnes of their fines, let them enter into consideration, how they rent their commodities: and they shal find as great inequalitie of the prices of things now, and in times past, as is betweene rents and fines now, and in times past. And as far as I can perceiue, an obseruing and painefull husband liueth, fareth, and thriueth as well vpon his Farme of racke rent, as many doe that are called Freeholders, or that haue Leases of great value for small rent.

Prices, Rents, and Fines in times past and present not much vnequall.

Sur. There is some reason for it, which euery man either seeth not, or seeing it, doth not consider it, or considering it, hath no will or power to reforme it. Some Freeholders, and the Lessees of great things of small rent, bring vp their children too nicely, and must needs, forsooth, Gentelize them: and the eldest sonne of a meane man must be a young master, he must not labour, nor lay hand on the plough, (take heede of his disgrace) he shall haue enough to maintaine him like, and in the society of Gentlemen, not like a drudge. And when this young Gentleman comes to his land, (long he think) hee hath no leasure to labour, for Hawking, or Hunting, or Bowling, or Ordinaries, or some vaine or lasciuious, or wanton course or other, leauing plough and seede, and harueste, and sale to some ordinary hireling, who (may doe what he list, if the poore wife be as carelesse at home, as husband is abroad: And at his elbow he hath perchaunce some vaine persons, that dissuade from couetousnesse, and from too much frugality, and that he needes not to care for getting more, he hath no rent to pay, but some to receiue which will maintaine him: and when he is gone, all is gone, spending is easier then getting. And thus by litle and litle roweth himselfe and the hope of his

The reason why some Farmers liue as well as some Freeholders.

Yong Gentlemen, Yeomen.

The Farmer cares to pay his Rent, and labors for it

his posterity vnder water, in the calme Sunne-shine of his pleasures. Whereas he, that hath a rent to pay, is not idle, neither in heart nor hand: he considers the rent day will come, and in true labour and diligence prouides for it, and by his honest endeuors, and dutifull regard, gets to pay rent to his Lord, duties to the King, relieſe to the poore, and maintaines his estate more pleasing to God, more obedient to the King, more profitable for the Commonwealth, and more truely contented in mind, then sometimes his thriftlesse Land-Lord. I inferre not yet by this Sir, that because they sometimes thriue well, that liue vpon rackt rents: therefore you Land-lords, should impose the greater rent or fine: that were to doe euill, that good might come of it, nay rather, to do euill, that more euill may follow: for if there be not a meane in burdens, the backe of the strongest *Elephant* may bee broken. And the best and most carefull, and most laborious, and industrious husband, may be ouercharged with the rent of his land. Happy therefore is that Tenant, that meeteth with a considerate Land-Lord, and happy is that Land-Lord, that may see his Tenants prosper and thriue, and himselfe haue his due with loue. And on the contrary, I thinke it will be very vnpleasant to a good mind, to see his Tenant to be ouercharged and be forced to fall vnder the burthen of ouer heauie an impoſition.

Happie is the Tenant that hath a good Land-lord.

Lord. Wel, I haue heard all thy discourse with patience: and indeede my desire was to heare thee in these things, and I mislike not any thing in thy whole relations, and thy conclusion is not amisse, though perchaunce some young nouices of the world might censure thee: reason will not but allow what thou hast said. And I wish that all the Tenants that I haue may liue vnder mee with comfort: for to tell the truth, I had rather buy a simple, and a good report of my faithful Tenants

nants something to my losse, then to get their frownes to my gaine. For there is no comfort in a discontented people, though some haue said: Rustica gens, optima flens, pessima gaudens: which may hold among Infidels, and vnder Tirants, but not among Christians, that should not grieue one another. A good resolution in a Landlord.

Sur. I am right glad, Sir, you are of so qualified a disposition, your example may doe good to others, if not, it will giue euidence against the contrarie minded in time to come. And so for this time I must intreat you, I may take my leaue of you. I will attend your other occasions forthwith.

Lord. That is my will. But who comes yonder?

Sur. I take it is your Tenant, that lately departed from vs.

Lord. So it is, I will leaue you two togther: fare-you well. You know the places where mine occasions will draw you, and in the meane time I will make you a warrant to goe in hand with it.

The end of the second Booke.

A good resolution in a Lord.

resolve (turning to my lode, then to get their fortunes to my
name. This there is no comfort in a dilcontented people,
though I have Sir Walter's fame, opinion, reputation, and
deserving to my lode, then to get their fortunes to my
name. This there is no comfort in a dilcontented people,
though I have Sir Walter's fame, opinion, reputation, and
not gaining Christians that should not gaining one another.

Sav. I am right glad, Sir, you are of so qualified a dif-
position, your example may doe good to others, if not, it
will give evidence against the contrarie minded in time
to come. And so for this time I must intreat you, I may
take my leave of you. I will attend your other occasions
forthwith.

Lord. Sir it is, I will leave you thus together: fare-you
well. You know the places where mine occasions will
enable you, and in the meane time I will make you a warrant
to get in plaine with it.

The end of the Second Booke.

THE SVRVEYORS Dialogue, betweene the Farmer and Surueyor: wherein is shewed the maner and *method of keeping a Court of Suruey, with the* substance of the Charge, and the Articles *to be inquired of, how to Inroll Copies,* Leases and Deedes, and how to take the Plotte of a MANNOR.

THE THIRD BOOKE.

Farmer.

YOu are happily met here again Sir, haue you euer since had conference with my Landlord?

Sur. Yea.

Farmer. He is a man of good vnderstanding, and verie inquisitiue of things of profit. And yet to tell you truely, hee is a good man to his tenants.

Good Land Lords deserue loue.

Sur. Loue him then, for such deserue loue.

Farm. He is beloued of his tenants indeede: for they wil goe, and ride, and fight for him.

Sur. It is the part of good tenants, & an argument of a good Landlord. But fare you well, I cannot now stay, I haue been long letted by your Landlord and you, and I haue present businesse.

Farm. Are you presently to vndertake the suruey of my Land-lords Lordships?

Sur. I am now going about it.

Farm. I thinke it be in your choice where to begin, let me therefore intreat you to begin with Beauland, a Mannor of his here at hand, whereof I am both tenant and Baily: and therefore I will and must attend you, and yeld you my best ayd, both by my trauell, information, and records of the Mannor.

Sur. Keepe you the Lords records?

Bayly. The key is in my keeping that leads to the Cheft, but the key of the Cheft is in my Lords keeping: but I will send for it, that you may haue the full view of the euidence.

Sur. So it behoueth. Is it a large Mannor?

A Surueyor ought to see the Lords euidence.

Bayly. It is spacious in circuit, and of great apparance of Tenants, full of diuers commodities, both vnder and aboue the earth, as also of fishing, and fowling, and beareth not the name for nought: for the Mannor is faire, and very commodious.

Sur. Bee you then my guide: Is yonder it, with the faire house by the woods side?

Bayly. That is it, and a stately house it is indeede.

Sur. It seemes to bee a large and loftie cage, if the bird be answerable.

Bayly. What meane you by that?

Sur. I meane, that a *Titmus*, may harbour in a *Peacockes* cage: and yet the cage maketh her not a *Peacocke*, but will be a *Titmus*, notwithstanding the greatnesse of the cage: So if this loftie Pyle bee not equalized by the estate and reuenewes of the builder, it is as if *Paules steeple* should serue *Pancras* Church for a belfrey.

Great houses with small reuenewes, cannot sute well.

Bayly. I thinke my Land-lord sent you not instead of surueying his Land, to deride his house.

Sur. The house is beautifull and faire, I deride it not, I you doe your selfe wrong in attaching mee, neither dis-

commend

commend I the builder. For he that hath gold enough, let him build a house of gold, with *Nero*, who made vnto it a pond *Maris instar*, and woods full of all kinde of wilde beasts. *Publius Clodius* whom *Milo* slew, bought a house which cost him 147000. *Sesterties*. Let Princes haue their Palaces, and great men, their pleasant seates: for the poorest will please his fancie, as farre as hee may. But to tell thee by the way, (for this is but idle communication) that I haue obserued in nothing more sudden and serious repentance, then for building: I could point out places and persons too with my finger, but what needs that? I wish their repentance could redeeme the thing repented of, but it can no more doe it, then *Quintus Curtius* could redeeme himselfe out of the deuouring gulfe. We haue in our dayes many and great buildings, a comely ornament it is to the face of the earth. And were it not that the smoake of so many chimneyes, did raise so many duskie cloudes in the ayre, to hinder the heat and light of the Sunne from earthly creatures, it were the more tolerable.

Mart. lib. 2. Great houses fit for great men.

Building often repented.

Many chimneys, little fires.

Bayly. May truely, I will excuse that fault, the fire is made most in the kitchin.

Sur. Then it besmoketh not the hall, as old worthy houses did, whose kitchins smoake sent foorth clouds of good meate, and showres of drinke for the poore.

Bayly. Yea, Sir, that was a comfortable smoake: but Tempora mutantur, & omnia mutantur in illis: no earthly thing continueth constant, but hath his change. Lo, Sir, now you are come to the house it selfe.

Sur. Truly, here is a pleasant ascent, neither too steepe nor too flat, and of a good length. And now we are come to the top of the hill: heere is a goodly prospect and pleasant. And these springs I like well. For a house

The best situation of a house.

without liuely water, is maymed: and the water is well conueyed, that it cannot annoy the foundation of the house, and yet serueth the most necessarie offices very commodiously: and I see the Conducts are made of earthen pipes, which I like farre better than them of Lead, both for sweetnesse, and continuance vnder the ground. The trees are well placed about the walkes, but that they are somewhat too neere together, their branches confound one the other, they are but twentie foot, and I like better, thirtie. It standeth warm, and comfortable towards the South-east, to which the best lights are made fitly to serue: but if the ground would haue serued, I like plain South the better point, for the comfort of the Sunne, at all times of the yeere. And nature hath planted this wood most commodiously in the North side of the house. And it is delicately aduanced vpon the edge of the hill: it is not possible to seat a house more delightfully, for Winter & Summer, in mine opinio. Now too, if vpon view of the demeisnes, and the rest of the parts, it be not found like vnto a child borne in Cheshire, with a head bigger than the body, I shall like it well. Now to our businesse: you are bayly, take this Precept, and summon the tenants to make their appearance, according to the purport of the same.

Earthen conducts.

The forme of the Precept.

Beauland Mancium.

THese are to will, and in the name and behalfe of the Lord of this Manor, to require you, to giue notice and warning vnto all and singular the tenants of the same Manor,

nor, that they make their perſonall appearance on Munday next, being the tenth of this inſtant Iune, at the place where the Lords Courts of this Mannor are vſually kept: And alſo to warne them, and euerie of them, to bring with them all ſuch Deeds, Copies, Leaſes, and other Euidences, whereby they, or any of them doe hold or claime to hold of the Lord of this Mannor any land, tenements, or hereditaments: And that they then and there ſhew, or cauſe the ſame to be ſhewed vnto the Lords Surueyor, at the Court then and there to be holden for that purpoſe, and to giue their further attendance, as occaſion of the ſeruice ſhall require. Whereof faile you not, &c. Dated the 3. of Iune, in the fourth yeare of the raigne of our Soueraigne Lord, Iames by the grace of God, King of great Britaine, France, and Ireland, &c.

Per I. N. Superuiſ.

To the Bayly of the Mannor of Beauland, or to his Deputie.

Commonly the Lords of Mannors doe direct their letters of warrant vnto the tenants, vnleſſe the Surueyor be a knowne Surueyor by patent, and performeth the ſeruice, when and where he thinketh moſt fit for the Lords vſe.

The order of a Court Baron being performed (for a Surueyor hath not power to adminiſter an oath *ex officio*, vnles he be a Surueyor by patent, or by commiſsion out of the Chancerie or Exchequer, Duchie Court,

Court of Wards, or ſuch like) by a particular Steward, or by the Surueyor, who for the time may ſupply the Stewards office, and the charge of the Court Baron ended, the Surueyor may proceede to his admonition and charge, to the effect following.

Firſt, taking note of the names of euery tenant, both Free-holder, Copie-holder, Leaſer, and tenant at wil in a paper, and a Iurie for the Suruey, being impannelled, (after they bee ſworne) the Surueyor may premoniſh them to the effect following.

You that haue beene here preſently ſworne to performe your vttermoſt duties, in all the things that are and ſhall be giuen to you in charge, doe, or at leaſt you may conceiue, that as the Court Baron (the charge whereof you haue alreadie heard) is with you ordinarily twiſe a yeere, and (if the Lord will) euery three weeks: this kind of Court, which I haue now to admoniſh you in, tending to the ſuruey of the Mannor, hapneth not (perchance) in the time of mans age, though the Lord hath power, and (no doubt) occaſion to keepe it oftner. You muſt therefore ſhew your ſelues ſo much the more diligent in this, as the more ſeldome you are troubled therwith. And it behoueth you to call to mind, what by oath you haue aſſumed to performe, namely, all that ſhal be giuen you in charge, whereof part hath been deliuered vnto you already: which being ſo ordinarie amongſt you, it muſt needs be more familiar, than the things you haue ſeldom heard of. And for that this buſines of *Suruey* ſtretcheth a litle further then the *Court Baron*, let your due attention, & examination, and faithful preſentments witnes your true affections to the perſons, & ends to which the purpoſe of our preſent meeting at this time aymeth.

The

The particulars inquirable are many, and of many kinds: but the persons and ends few. The first is God, in whose presence we all stand: who loueth truth from the inward parts, that is, when the action and the will concurre, and hateth dissimulation. The second is the King, whose we all are, vnder God, whose lawes we are to follow, as wel in this businesse, as in any other: for that it tendeth to the seeking and setling of truth, (the mother of true *peace*) betweene you and your Lord, in giuing both to you and him, what is equall and iust. The third, is the Lord of the Mannor, whose you are vnder God and the King: and therfore requireth at your hands at this time, equall dealing, neither to discouer for malice, nor to conceale any thing for fauor to either partie. The fourth, is your selues, whom you can in no better sort befriend in this action, then to keepe your hearts and lips pure, in concealing or vttering: For there is as great a danger in concealing truth, as in vttering a falshood. And there is no such burden, as the burden of a guiltie conscience, which is laid on no man, but of himselfe. And lastly, the persons to bee considered in this businesse, are your posterities, whom your true or false relations will either helpe or hurt. The ends whereunto it aymeth, are first, to explaine vnto the Lord of the Mannor, what is his by the examination of your estates, rents, and customes, and to establish you in all things that are rightly yours: both which being truely found, and duely recorded, cannot but preserue amitie betweene you and your Lord: which should be the principall end of all indeuours. And sith God is the first and the last, and will be present in the beginning, in the middle, and in the end of all your consultations, and will be a witnesse for you,

or againſt you,euen in your moſt ſecret counſels,ſet him before the eyes of your hearts : ſo ſhall you tremble to conceale truth, or vtter falſitie, whether it be with or againſt your ſelues, or deareſt friends, yea, or the Lord of the Mannor himſelf:whoſe purpoſe in this ſeruice is, that the manifeſt truth might be cõfirmed,the hidden rẽuealed,& errors abandoned. And al this lieth in you, and at your hands it is required to ſearch,and by ſearching & examination,to find out:and found,to deliuer & preſent the whole, & not a part of your ſincere knowledges, for frõ your mouths muſt that be taken & had, which muſt be recorded for the direction of your poſterities as a perpetuall glaſſe, wherein the eſtates of all the particulars within this Mannor, may be at all times ſeene and confirmed : wherein you ſhall diſcharge your dutie to God, who commands and commends truth:to the King,who by the ſword of his Iuſtice, maintaines truth : to your Landlord,who deſireth only to know,and haue his own: to your ſelues, who by this meanes ſhall poſſeſſe your owne in peace: and to your poſterities,who by this your trauell, diligence and true information, ſhall partake of your ſincere and faithfull ſeruice, being inrowled, and recorded vnder your names, to your perpetuall commendation: whereas if you delude me, and abuſe the Lord of the Mannor that hath ſent me,I by your ſiniſter information may commit errour, and leaue it to your poſterities by record:yet ſhall I be free of the wrong,and you ſhall anſwere it. And if you ſhould frame any defence againſt the ſeruice, and plead either ignorance, or ſhew obſtinacie, pretending thereby to ſtand diſpenced of your oath, becauſe you doe it not, you deceiue your ſelues: for the ſeruice is ſo inſeparably knit to your tenures,

nures, & your tenures to the Lord of the Mannor, as deny or refuse to doe the one, you forfeit the other: howsoeuer some may say, that they are freeholders, and they are customarie Tenants of inheritance, which in their conceit emplyeth a kinde of freedome: let them not deceiue themselues, their estates are conditionall, as both by their deeds and copies, they may bee easily resolued, by these words: *Habendum sibi & hæredibus suis* (in the deede) *ad voluntatem domini, secundum consuetudinem manerii* (in the copie.) In both *pro reditu & seruitiis inde prius debit. Et de iure consuet.* And because some of you doe not (perchance) vnderstand the meaning of the words: thus they signifie, that you are to hold your Tenements, to you and your heires, &c. For such rent, and doing such seruices, as haue beene heretofore due, and of right accustomed. Is not this a condition? for if you pay not the rent, or denie the seruice, you are at the Lords mercie to be compelled. I doe not thinke therefore that any of you, of any discretion, will aduenture the losse of his interest, for not performing a seruice at his Lords commaund, that tendeth also to his owne benefite, and to no preiudice at all.

The end therfore of all mine admonition is, to mooue you (being a thing of common right) to shew your selues like vnto your selues, true and faithfull Tenants vnto the Lord, concurring all in one mind, to doe the Lord this seruice in loue, and the Lord, no doubt, will recõpence it with like fauour, although there be no recompence due for that which duty bindeth to be done. By this meanes you shall confirme your owne strengths, by gaining and retaining the Lords kind countenance: and he againe shall be the more fortified, by your true affections to-

wards him: for what a ioyfull thing is it, for Lord and Tenant to dwell together in vnity? Now hauing thus prepared you to attention vnto the matters of your charge: I will heere read, and explaine vnto you such Articles, as shall be for your instruction, and leaue them with you in writing for your better memorie: for I know, and haue often found, that a bare deliuerie of many words, and of diuers things (as in the charges commonly giuen in Courts Baron, and Leete) euen to eares well prepared, may be little effectuall, lesse to him that heareth, and regardeth not: but least of all to him that will not regarde or heare at all. Such hearers there are of diuine things, but many more of humane of this kind: but were they matters of carnall pleasure and delight, they would bee both heard and practised: And therefore I the more moone you to attend vnto the things which I now am to deliuer vnto you.

The substance of the charge of a Court of Suruey, contained in the Articles following.

Beauland Manerium. FIrst, as no doubt you all know, that *A. B* Knight the reputed Lord of this Mannor, is the true and vndoubted *owner* of the same, and of all the lands, Meddowes, Pastures, and other hereditaments within and belonging to the same. And that you, and euery of you doe

Owner of the Mannor hold your lands belonging vnto this Mannor of him: if not, who hath the interest and right of the same, to your knowledges?

Pounds of the Mannor 2 You shall duely and diligently set downe, or shew vnto the Surueyor in his perambulation of the Mannor, all

all the *circuit, buttes, bounds,* and *limits* of the ſame, and vpon what, and whoſe Mannors, Lordſhips, lands, and pariſhes it bordereth on all parts. And whether any confining Lord, or his Tenants, doe any where intrude or incroche vpon this Mannor, where it is, by whome, and how much is ſo incroched.

As for the bounding of the Mannor, it is fitteſt to be deliuered vnto the Surueyor, when hee treads the circuit, and that the beſt experienced Tenants accompany him for information, and ſome of the youth, that they may learne to know the bounds in times to come.

3 Whether there be any other Mannor or Mannors lying within the limits or circuit, or extending in part into this Mannor, what are the names of the Mannors, and who are owners of them, and how are they diſtinguiſhed from this Mannor. And whether this Mannor doe any way extend into, or lye within any other Mannor. Mannors intermixt.

It is often ſeene, that one Mannor lyeth within another, and intermixed one with another in ſuch ſort, as the true circuites, buttes, and bounds, become confounded: neceſſary therfore it is, that their diſtinctions ſhould be carefully obſerued and recorded, for oftentimes one is deuoured, or otherwiſe iniured by the other, when Lords are remiſſe, and Tenants careleſſe, to bring that to certainty, which is, or may become doubtfull. And eſpecially where many Mannors lye intermixt, and one man holdeth land, copy or free of them all, there often times groweth confuſion, vnleſſe each part be well butted and bounded, for though he can ſay how many acres hee holdeth of either Mannor, yet he cannot diſtinguiſh the land whereby ſome of the Lords cannot but be abuſed, or the Tenants wronged.

4 What Freeholders there are within, or doe belong vnto Freeholders.

vnto, and hold their land of this Mannor, what are their names, what land hold they, what rent pay they, by what Tenure doe they hold, and what seruices owe they to the Lord?

Freeholders

The negligence of Lords in the due continuance of the substance of this Article, hath bred preiudice to many: for where Freeholders dwell out of the Mannors, whereof they hold and pay vnto their Lords but a small acknowledgement, as a rose, a pepper corne, a Iylloflower, or some such trifle: or are to doe some seruice, times at whereof in many yeares hath beene no vse, they haue not beene lookcd for, neither haue their suites beene continued for long time, insomuch as they and their Tenures haue growne out of memorie, and their seruices out of vse, and other Lords haue intitled themselues to the land, and the right Lord lost all possibilities of estate, wards, marriage, &c. As common experience maketh more plaine, by the daily questions and suites, which rise, when profits apparent, may grow by any of the former casualties.

And therefore it is most necessarie to haue alwaies a true suite roll whereby the Steward should euery Court call the Free suitors by name, and to expresse what rent he should pay and what seruices he ought to doe, and that at the death of euery suitor, his heire with the land, rent and seruices, would bee inserted in his steede. The profit that will hereby grow vnto the Lord and Tenants, is manifest, and this roll is to be made by the Surueyor, and to be indented, the one for the Lord, the other for the Tenants, vpoon view of euery Freeholders land.

Felony, Treason.

5 Whether you know, that any Freeholder within or belonging to this Mannor, hath committed any felonie or treason, and hath bene thereof conuicted, the Lord not yet hauing the benefit of the forfaiture: or whether hath any such Tenant died without heire generall

or

or speciall: If so, who hath the present vse and possession of the Land, and by what right, what land is it, where lyeth it, how much in quantity, and of what value?

It is a great defect in the Surucy of a Mannor, which remaineth to posterities, being inrolled or ingrossed for perpetuall memorie, when the Surueyor doth superficially passe ouer the obscruation of the lands of euery Freeholder, their Tenures, quantity of Land, the place where it lyeth, the rent and seruices. For vpon sundry necessary occasions, the Lord is to secke in euery of these: and some are worthy, because they loue not to be at charge to find out and continue that which is not presently profitable.

6 Whether doth any bastard hold any land belonging to this Mannor, as heire vnto any, what is his name, what land is it, and where lyeth it, and what is it yearely worth? Bastard

A Bastard, though he be knowne to be the sonne of that father that leaueth him the land, cannot inherit iure hæreditario, *but by conueyance. Neither, if he purchase land in his owne name, can any inherite it after him of his supposed bloud, vnlesse he be married, and haue children lawfully begotten to inherite. Because it is* contra formam Ecclesiæ, *as appeareth more at large. Merton. cap. 9. For a Bastard is no mans, or euery mans sonne.*

7 What *demeisne lands* hath the Lord within or belonging to this Mannor, what and how much woods, vnder-woods, Meddow, Pasture, arable, moores, marshes, heathes, wastes, or sheepe walkes: And what is euery kind worth yearely by acre, how many sheepe may the Lord keepe vpon his walke winter and summer, and what is a sheepe gate worth by yeare, and what is euery acre of wood worth to be sold? Demeisnes.

Although this Artic[illegible], and ſundry other hereafter mentioned, be in ſubſtance enacted by a Statute made Anno 3. Ed. 1. called extenta Manerii, *to be enquired of by the Tenants, yet it is the part and office of a Surueyor, to ſee, examine, and iudge by his owne experience and knowledge, euery particular, comparing the Iuries preſentment with his owne opinion: ſo ſhall he more truely attaine to the true vnderſtanding of the things he ſeeketh: and the more, if he diſcreetly feele the minds of forraine inhabitants, that are ignorant of the cauſe of his inquiſition.*

Demeiſnes in common Fields.

8 What *demeiſne lands* hath the Lord lying in the *common fields* of the Mannor, how much in euery field, and euery furlong: And what is an acre of ordinary field arable land worth by the yeare? The like you are to preſent touching demeiſne meddow, lying in any common meddow within the Mannor.

Common Fields, and common Meadowes.

9 Alſo you are to preſent the names of all your common fields: and how many furlongs are in euery field, and their names, and the common meddowes, and their names. And what beaſts, and ſheepe, euery Tenant ought to keepe vpon the ſame, when the corne and hay is off. And what a beaſt gate, and ſheepe gate is worth by yeare, Alſo at what time your fields and common meddowes are laid open: and how are they, or ought to be vſed. And whether is it lawfull for the Tenants, to incloſe any part of their common fields or meddowes, without the licence of the Lord, and conſent of the Tenants.

This Article is duly to be conſidered, firſt in ſetting downe in certainty, what euery man is to keepe vpon the fields, and common meddowes, becauſe iniury is daily done by ſome of greateſt ability, to the meaner ſort, in oppreſſing the fields, with a greater number of Cattle, then according to a true pro-

portion

portion will fall vnto their ſhare, which is very extortion, and a puniſhment is to be inflicted vpon the offenders.

Alſo incloſers of common fields, or meddowes in part, by ſuch as are moſt powerfull and mighty, without the Lords licence, and the Tenants aſſents, is more then may be permitted: the reaſon is, that the reſt of the Tenants haue as much right to euery herbe, and graſſe within the ſame, when the corne is off, as he hath that encloſeth the ſame.

Baily. But Sir, if they lay it open at Lammas, or at ſuch time as cuſtome requireth, I thinke he doth neither Lord nor Tenants wrong.

Sur. *Yes: for firſt, he depriueth them both of the feed, of as much as his hedges, ditches and incloſures take: beſides, whether is it as conuenient for paſſe and repaſſe of Cattle at one little gappe or two, as when there is no eſtopell at all?*

Baily. You like not encloſures then.

Sur. *I doe, and I thinke it the moſt beneficiall courſe that Tenants can take, to increaſe their abilities: for one acre encloſed, is worth one and a halfe in Common, if the ground bee fitting thereto: But that it ſhould be generall, and that the Lords ſhould not depopulate by vſurping incloſures. A thing hatefull to God, and offenſiue to men.*

10 What *Commons* are there within the Lordſhip, which doe properly belong to the Lord and Tenants of this Mannor, and how are the Tenants ſtinted, whether by the yard-land, plow-land, oxegang, acres, or rent: how many may euery Tenant keepe, after either proportion or rate. Commons.

In this, the like conſideration is to be had, as of the former: but that this kind of paſture is called in the Statute of extenta Manerii 3. *E.* 1. paſtura forinſica *forraigne herbage or paſture, becauſe no part of it is proper in any ſort to any peculiar Tenant, no not to the Lord himſelfe as are the common fields*

and common meddowes. This kind of Common or pastura forinsica *is in three sorts: the one is, where a Manner or Townshippe hauing and holding their land in seueralty, haue by consent lymited a certaine parcell of ground, to lye common among them, and from the beginning haue stinted euery man according to a proportion betweene them agreed, and that is commonly by the acre, which the pasture containeth.*

Another manner of such kind of Common pasture is, wher certaine waste grounds, one, two or more lye within the Manner or Towne-shippe, and the heard *of the whole Towne is guided and kept by one appointed by the Tenants, and at their generall charge, to follow their Cattle: in which kind of pasture, there is also a limitation or stint both of the number, and kinds of Cattle.*

A third kind of this pasture, or common feeding is, in the Lords owne woods, that lye common to the Tenants: as also common Moores or heathes, that were neuer arable.

In all the former commons of pasture, there should bee a certaine stint and allotment, both to the Lord and his Tenants: but in this latter, it seemeth that the Lord should not be limited, because all these latter commons are supposed his owne, and the Tenants haue no certaine parcell thereof laid to their holdings, but onely bit of mouth with their Cattle. But the Tenants ought to bee stinted in all sorts of common, lest, as I said before, the rich deuour the poore: for the one can prouide sheepe, and other Cattle for the summer: and haue inclosed pasture for the winter, or can sell againe, when the forraigne pasture is gone: but the poore cannot doe soe.

Incroching the Lords waste

11. Whether hath any man to your knowledges incroched any part of *the Lords waste*, by inclosure, or adding any part thereof to his owne land: present who hath so done, where, how much, & how long it hath cõtinued.

This

This kind of incrochment is not rare, especially where great wastes and montanous grounds are, where the Lord nor his officers walke not often, and where Tenants, for fauour or affection, will wincke at euill doers, or for their owne priuate lucre, commit the same error themselues, with hedges, ditches, pales, wals, shedds, &c.

12 Whether hath the Lord any *Parke*, or *demeisne wood*, which by stocking may turne to the Lords better benefite, by *pasture, arable*, or *meddowe*: and what is an acre worth, one with another the stocking, and how many acres is the wood, and what will an acre of the wood bee worth, and what will an acre of land be worth by the yeare to be let, when the ground is stocked and cleared. Parke, demeisne woods.

Although it be the part of the Iurie, to yeeld their opinions in this case: yet it behooueth the Surueyor to haue so much iudgment, in euery of these points, as hee may be able to satisfie himselfe and his Lord, by sufficient reasons, least he be deceiued, and the Lord abused, either through ignorance or partiality. And aboue all it behoueth the Surueyor, to looke into the nature of the soile of the wood: for there are some wood grounds that are good for no other vse, as a dric or cold grauelly ground, whose vertue and disposition may be easily obserued by the herbage.

13 Also you must present the names of all *customarie Tenants*, within or belonging vnto the Mannor, what mesuages, Tenements or lands they hold, and what euery mesuage or Tenement is called, what rent it payeth: and what profit ariseth to the Lord, by the death of any such customarie Tenant, or by the death of any freeholder, by fine, heriot, or relieſe by the custome of the Mannor. Customary Tenants.

Commonly these customarie tenants, vpon death and alie-

nation doe pay a fine, which in some places is certaine, and in some, euen in the most they are at the Lords will: and in most places they are also heriotable.

Bayly. In this Mannor there be some customarie tenants heriotable, and some not, how comes that? can there be two customes in one Mannor?

Sur. There may bee so. And the reason may grow by the escheating of a Mannor, that had in this point a contrarie custome to the Mannor, to which it was escheated and annexed: and so the customes of either may hold vnder one Court.

Bayly. Your reason is good: and I take it, it may also be, that these that pay no heriots, are tenements of a newer erection, and so vpon their first grants, the heriots were omitted.

Sur. That is not so likely: for that if any such newe erections were, they were graunted in such forme as other tenements, with these words: *Habendum, &c. ad voluntatem Dom. secundum consuet. Manerii*: which words doe imply all duties and seruices, which the most ancient tenements are bound vnto.

Briton f. 165

There is also a Copy-hold estate, called ancient demeisne, *and the tenants,* Sokemains, *whereof some are of frank-tenement, and some of base tenure. Tenants of Base tenure, are they that hold by verge at the will of the Lord, and the frank tenement thereof is in the Lord,*

It is to be noted, that Copy-hold lands are very auncient, before the Conquest, in the Saxons time, who called this kind of land, Folkland, *and their Charter lands were called Bokeland.*

Descent of Customarie Land.

14. How doth the customary land of this Mannor, by your custome, descend after the death of an Auncestor, to the yonger or elder sonne? And whether will the custome of the Mannor allow an intaile by copy, and whether

ther doth it beare widdowes eſtate, or whether may ſhee haue it during her life, though ſhee marry: and whether may a man hold by the courteſie?

Sundry differences there are in ſundry Mannors, touching the ſubſtance of this Article.

The cuſtome of ſome Mannors is, that the youngeſt ſonne ſhall inherite, as in Burrow English: *if he haue not a ſonne his youngeſt brother, as at* Edmunton *in Middleſex.*

The cuſtome of ſome Mannor, is, that all the ſonnes, and all the daughters ſhall inherite alike as in Gauelkind *at* Iſlington *neere* London.

The cuſtome of ſome Mannors is, that if the Tenant die ſeized of fiue acres or vnder, then the youngeſt ſonne ſhall inherite, but if aboue, then all the ſonnes ſhall inherite, as in Gauelkind. Kitch. Heyre.

The cuſtome of ſome Mannor is, that neither the wife ſhal haue dowry, neither the husband hold by Courteſie. And the cuſtome of ſome other Mannor is, that ſhee ſhall haue the third part of the rent, as at Buſby in Middleſex, and no part of the land in dowry.

In ſome Mannors, the wife being a virgin at the time of her marriage, ſhall haue all the Copy-hold land for her franck banck, whereof her husband died ſeized. And many ſuch. At Kilmerſdon in Summerſetſhire, the wife hath widowes eſtate, and if ſhee marry ſhee looſeth the land, but if ſhee be found incontinent, and come into the next Court riding aſtride vpon a Ram, and in open Court doe ſay vnto the Lorde if he be preſent, or to his Steward, theſe, or words to this effect,

For mine arſes fault I take this paine,
therefore my Lord let mee haue my land againe,

ſhee is by the cuſtome to be reſtored vnto it without further Fine, doing this penance.

Whe-

15 Whether are there any *Customary Tenements* that are *heriotable* dismembred, and deuided into parcels, to the weakening of the Tenement, and who doe they that haue these heriotable parcels, and what quant hath euery of them?

Heriotable Tenements dismembred

Although there be no immediate profite can accrue vnto the Lord, by the presentment of the substance of this Article, yet it behoueth the Lord to know, who be the Tenants to any part of the land, belonging to an heriotable Tenement, because euery part continueth heriotable, and draweth vnto the Lord the best goods of the Tenant of such land deceasing, though the land, in regard whereof he payeth it, be but an acre, and he haue elsewhere free or copy, that maintaineth horse, or other cattle of great value, the Lord may seize the best for his heriot.

16 Whether are not the *Fines for admittances*, of a new customarie Tenant, being heire, or comming in by purchase, or vpon Surrender at the will of the Lord, or are the fines alwaies certaine?

Fines.

This is an Article, whereat some close hearted Tenants will seeme to stagger; being the nature of all men to fauour themselues and their posterities, and to worke so, as they will (if it be possible) make the Fines certaine, by looking back into times past, wherein they haue found by old Records, and by report of Tenants before, that the fines haue beene certaine, and so they may be in some places, though in few at this day. And it may be, former times did afford such fauour, vntill land became of more value: but of late yeares, that course hath beene broken, and [illegible] become arbitrable. Wherein I wish, that Lords and their Ministers would vse a meane in exacting.

Forfaiture of Copy-hold.

17 How, and by what meanes may a *customary Tenant forfait his Copy-hold Tenement?* whether for felling of timber

timber trees, plowing vp ley grounds, or meddowes neither tilled before, or for suffering his houses to decay, or for pulling downe any houses, or for committing any other wilfull waste, or deuising his customarie Tenement or lands, for longer terme, then the custome of the Mannor will beare: Or for committing any other act, contrary to the custome of the Mannor? And whether hath any Tenant of the Mannor offended in any of the former things? who it is, and wherein is any such offence committed.

Diuers Actes there be, whereby a Tenant in one Mannor may forfait his Copy-hold Tenement, which Act is no forfaiture in another Mannor. For customes are very different in diuers Mannors: for in some Mannors a man may cut downe wood and timber trees vpon his Copy-hold land, and sell them at his pleasure, which in some Mannors is a forfaiture.

Some Mannors doe allow the Customary Tenants of the same, to let their land for three yeares, some for more without the Lords licence: and in some Mannors to let the same aboue a yeare and a day, is a forfaiture.

In some Mannors a man may let fall all his customary houses, which in some other Mannors is a forfaiture.

In some Mannors a man may not plow vp or sow his Copy-hold Meddow, or ley ground, that hath not beene vsed to be tilled, in some Mannors contrary.

So that these kinds of forfaitures are according to the custome of euery Mannor.

18 VVhat are the customes of the Mannor in generall, both in the behalfe of the Lord, to performe or suffer to the benefite of his Tenants, and of the Tenants to performe to the seruice of the Lord. Customes.

In the beginning of euery Mannor, there was a mutuall reſpect of aſsiſtance, betweene the Lord who gaue parcels of land whether in fee or to hold at will, or vpon other conditions, and the Tenants of euery nature, for ayding, ſtrengthening, and defending each other: the continuance of which firſt propoſed courſe, hath bred that which is now called cuſtome by the fauour of tyme. And thereby that which at the beginning cãme ex gratia Domini, *is now maintained by ſtrong hand againſt the Lord, and what came of a voluntary conſent of ſeruice of the Tenant to the Lord, the Lord may exact of his Tenants by law: and either in right of the cuſtome due to other, conſtraineth each other to doe that, which in the beginning was of either part voluntary.*

Cuſtomes are of diuers kinds, and diuerſly to be performed. Some in the courſe of inheriting of land, ſome in the way of womens dowries, ſome in the eſtates of land, ſome in matters of forfaitures, ſome in workes, ſome in rents, ſome in fines, ſome of the Lords beneuolence in allowing his Tenants meat, drinke, money, &c. in time of their workes: as theſe cuſtomes in ſeuerall Mannors, ſeuerally are allowed.

Mannnors themſelues may haue ſtrange commencements and continuance, as the honour of Baily in Eſſex, which hath a Cuſtome Court kept yearly the munday after Saint Michaels day, the Court is kept in the night, and without light, but as the Sky giues, at a little hill without the Towne called the Kings hill, where the Steward writes onely with coales, and not with incke. And many men, and Mannors of great worth hold of the ſame, and doe ſuit vnto this ſtrange Court, where the Steward cals them with as low a voice as poſſibly he may, giuing no notice when he goes to the hill to keepe the ſame Court, and he that attends not is deepely amerced if the Steward will. But for particular Mannors, as the Cuſtomes of them

are many and diuers: So it behoueth euery Tenant to know whereunto he is bound by cuſtome, if there be no auncient cuſtome roll to leade them, it behoueth the Surueyor to renew the ſame, wherein he is to ſet downe euery Tenants name, his Tenements, lands, Meddowes, paſtures, &c. the rent and ſeruice due for euery of them, and whether works be turned into rent, and to indent the ſame, that the Lord may haue the one part, and the Tenants another. The neglect whereof hath bred many inconueniences, both to Lords and Tenants.

Cuſtom roll.

19 Whether is there within this Mannor any *villaine or niefe*, namely, any *bondman or bondwoman*: if there be, what are their names, what land doe they hold, and what is the ſame yearly worth.

Villaines, & Nieffes.

Although this kind of Tenure be in manner worne out of vſe, yet ſome there are (no doubt) though concealed in ſome Mannors, neuer infranchiſed or manumiſed.

20 Whether hath any Tenant or other perſon within this Mannor *ſtocked vp any hedg-row, plowed vp any Baulke, or land ſhare, remooued any Meere ſtone, land marke*, or other bound betweene the Lords demeiſneſſe and the Tenants Free-hold, or cuſtomary land, of inheritance or betweene his Free-hold and cuſtomarie land, or between this and another Mannor or Lordſhip, where is any ſuch offence committed, by whom, and where ought the ſame bound ſo remooued, altered, taken away, or diſplaced, to ſtand.

Remooving of Meers or bounds.

This is a neceſſary Article to be duly conſidered, becauſe that by this meanes of remooving or taking away Meere ſtones *and* land marks, *the Lord often times incurreth great preiudice: for that when a Leaſſee of the Lords demeiſneſſe being either a Free-holder, or a cuſtomary Tenant of inheritance, hath land of his owne adioyning vnto the demeiſneſſe*

or intermixt, and he take away the marks of diuiſion, leaueth the matter doubtfull which is the Lords, eſpecially where a long leaſe or patent is, whereby the Tenant hath time to make alteration: and it is no new or ſtrange thing, to attach ſome by name and place, that are culpable, and haue yeelded to reformation, being found out before their intents were fully ripe. And aboue all, ſuch are moſt worthy to be puniſhed, for altering any ſuch knowne markes, vnder whatſoeuer pretence of eaſe or neceſſity, Which is the common cloake of the miſchiefe, vſed moſt in the Kings lands, wher long patents are graunted.

Cotages. 21. What cuſtomarie Cotages are there within this Lordſhip, *toſts, croſts*, or *curtlages*: what are the Tenants names, what rent pay they, and what ſeruices doe they?

It is to be vnderſtoode, Cotagium: *ſignifieth as much as caſam, a little houſe or a place of abode onely, or a little dwelling, whereunto little ground belongeth but an Orchard, garden, or ſome ſmall toft, croft, or curtelage: but Cotages of themſelues are not auncient, as I take it.*

22 Whether are there within this Mannor, any *new erected Tenements or Cotages, barnes, Wals, ſheddes, Houels, Hedges, Diches*, or ſuch like erected, ſet vp, or made: or any *Watercourſes*, or *Ponds*, digged vpon any part of the Lords waſte, without the Lords licence: where is it, and by whom was it done, and by whoſe licence, and vpon what conſideration.

The ouermuch libertie of too many newe erections, breedeth ſundry inconueniences, not onely to a Mannor, and the Lord, and Tenants thereof, but to a whole Common-wealth, and therefore not to be permitted without good conſideration: although it is moſt conuenient, that the poore ſhould haue ſhelter and places to ſhroud them in, if they be found honeſt, vertuous,

tuous, painfull, and men of abilitie, to gaine their owne and their families reliefe.

But it is obſerued in ſome parts where I haue trauelled, where great and ſpacious waſtes, Mountaines, Woods, Foreſts, and Heathes are, that many ſuch Cotages are ſet vp, the people giuen to little or no kind of labour, liuing very hardly with Oaten bread, ſowre whay, and Goates milke, dwelling far from any Church or Chappel, and are as ignorant of God, or of any ciuill courſe of life, as the very Saluages amongſt the Infidels in manner, which is lamentable, and fit to be reformed by the Lord of the Mannor.

23 VVhat Tenants are they within this Mannor, that doe hold any lands or Tenements by *Indenture of leaſe*: what are their names, what land hold they, for what rent, vnder what conditions and couenants, for what terme of yeares, or liues. Indentures.

This Article is moſt eſpecially to be obſerued, touching the couenants by view of the Tenants leaſes, but the Iurie is to find the names, and to preſent them with the land and rent as far as they can learne.

24 Whether hath or doth the Lord imploy any land to *iuſtment*, as in taking in cattle to paſture and herbage: who hath the diſpoſing of the ſame, what quantity of land is ſo diſpoſed, and how many cattle will it paſture, and what is a Cowe, Oxe, Horſe, or ſheepe-gate worth by the yeare, or by the weeke within this Mannor. Iuſtments.

Much land is thus vſed in Yorkſhire, and other places Northward, more beneficially then to ſtocke it.

25 Whether hath the Lord of this Mannor any cuſtomary *Water-mill, Wind-mill, Horſe-mil, Grieſt-mill, mault-mill, VValke-mill, or Fulling-mill*: VVhether is there within this Mannor any other Mill, *Iron-mill, Furnace, or Hammer,* Cuſtome mill.

mer, Paper-mill, Sawing-mill, Sheere-mill, or any other kind of Mill: what is it worth by yeare, and in whose occupation is it?

Where sufficient riuers, brookes, stagnes, ponds, or Water-courses are, there are commonly some kinds of Mils, or other profitable deuices, that humane wit and inuention hath set vp for necessary vses, for the benefite of man, and for the Lords profit of the Mannor, where such deuices are erected. And yet all kinds of deuices are not conuenient in all places: as where no Lead, or Tinne is, there is no neede of the vse of water, to moone a wheele, to blow the fire for the melting and trying thereof: yet there may be like vse for Iron oare: and where neither of them is, there may be vse of Walk-mils, or Fulling mils: and where those are not, yet there may be vse of corne-mils, and such like. And in some places the force of water-courses is vsed, to raise water out of one place into another, where the naturall current denyeth the comming, and mounting thereof: with infinite other deuices, according to the situation of the place, and necessitie of the thing required. Which, though they be not all Mils to grind corne, yet may they bring profite to the Lord, which is the thing the Surueyor should court, not onely to obserue what is already, but must haue also some iudgment to erect some, if the water-course will conueniently afford the same to encrease the Lords reuenues.

To the Corne-mil, which are custome mils, doth belong a kind of duty from the Tenants, that is, that they are bound to grind their corne at the Lords Mill: and that kind of custome is called Sacome.

Custom & seed

Socome.

Baily. **Must a customarie Tenant of a Mannor, where such a Mill is, be forced to grind all the Corne he spendeth in his house, at the Lords Mill?**

Sur. Of necessity, if it grow vpon the Mannor: or else the Lord may amerce him for his default.

Baily.

Baily. **What if he be forced to buy it in the Market?**

Sur. Surely then it is a queſtion, whether he be bound to grind it there or not. But I take it, he is at liberty, to grind it where he will, euen where he finds himſelfe beſt ſerued. For there is *bond-Socome*: that is, where the Tenant is bound by cuſtome, and *loue-Socome*, where hee grindeth of free-will.

Baily. **We that are Tenants would be glad, if you could tell vs, what toll our Milner may take: for wee are much abuſed in it, as we thinke, and becauſe we be bound by cuſtome, wee cannot conueniently leaue the Mill, and yet wee find no remedy of the Milners abuſes?**

Sur. As touching *Toll*, (which word commeth of the verbe *tollo* to take away, as it ſeemeth) there are ſo many differences, by graunts made by Lords of Mannors, that the certainty in generall can hardly be declared. Some Millers take a twentieth, ſome foure and twentieth part: Tenants at will ſhould pay a ſixteenth part, and a bond Tenant a twelfth part, and ſome are tol-free. But howſoeuer the toll be, feare not, the Milner will bee no looſer. And for his abuſes, you haue your remedy in the Lords Court, or at the common law.

Fiſhing.

26 VVhether hath the Lord of the Mannor any *peculiar fiſhing* within any riuer, brooke, mere, ſtagne, pond, or other water: where and how farre doth it extend, and what is it yearely worth, and who be Farmers thereunto, and what common fiſhings are therein, and waters within the Mannor, and how is the ſame vſed?

As this Article is little needefull to be propounded in Mannors wher no riuers or ſufficient waters are for fiſhing: ſo it is very neceſſary to be examined, where ſuch waters are. For it is daily obſerued, that many abuſes are committed againſt the Lord himſelfe, by ſuch as vſurpe his peculiar fiſhing,

ſhing, and againſt the Common-wealth, in deſtroying fiſh, as appeareth by the puniſhment ordained againſt offenders therin. 25. Hen. 8. cap. 7. and 31. Hen. 8. cap. 2. Therfore it behoueth the Surueyor to be more carefull in ſeeking the meanes how to raiſe a profite vnto the Lord by his fiſhing, then to find the preſent abuſes which are inquireable, and puniſhable at euery Leete, although, if any apparant offendors be found, he is to aduertiſe the Lord for reformation: but not inroll the ſame in his booke of Suruey. For nothing is therein to be inſerted, but matter of perpetuity, in recommending the preſent ſtate of the Mannor vnto poſterities, and for the Lords immediate vſe, the Court rols of the Mannor doe ſhew, the abuſes and puniſhments in thoſe kinds. And therefore beſides the ordinary fiſhing in ſmall land riuers, brookes and ponds, there muſt bee alſo remembred what profite may ariſe by fiſhing in the Sea, if the Mannor be neere it, or any creek thereof, in oyſters, muſcles, cockles, crabs, creuiſhes, and ſuch like.

Fowling. 27 Whether hath the Lord of the Mannor any *Fowling* within this Mannor, by meanes of any moores, marſhes, waters, brookes, reedes, or ſuch like: as of *Ducke, Mallard, Widgine, Teale, Wildgeeſe, Buſterd, Plouers, Bitters, Swans*, or ſuch like foule: or any woods wherin do breed any *Herinſhoes, Shouelers, Storke*, or ſuch like: or any *Pibble, Beach, or Sea-banke, wherein breede Sea-Pyes, Oliues, Pewets*, or ſuch, who taketh the profite of them, and what are they, or may they be worth by the yeare, vnto the Lord.

Theſe kinds of commodities are not in euery Mannor: and therefore as in all other things it behoueth the Surueyor to conſider of theſe particulars, and giue no more vnto the Iury to be enquired of, then hee either knoweth to be enquirable, or likely by examination to bee found in the Mannor hee intendeth to Suruey, yet not to omit any whereby the Lords reuenues may be encreaſed.

8 VVhe-

28 Whether hath not the Lord of this Mannor (time out of mind) had and receiued all *waiues*, *estraies*, *felons goods*, *treasure found*, within the Mannor, and such like profites, and whether hath he beene answered of them from time to time truely, or not, and who is the officer that doth ouersee, and take notice of the same to the Lords vse. Waues, Estrayes.

Although these kinds of profites may redound vnto the Lord by prescription, yet most commonly they are confirmed by charter, and therefore the Lords euidences, together with the vse, must be examined.

29 Whether are there within this Mannor, any *Tin-mines*, *Lead-mines*, *Copper-mines*, *Cole-mines*, *Quarries of stone*, *of Marble*, *Free-stones*, *Mil-stones*, *Lime-stones*, *Grinding-stones*, *Marle*, *or chalke-pits*, *slimy or mooriſh earth*, fit for soyling of land, or any *Potters clay*, *clay for Bricke or Tile*, or any *Fullers earth*, or any *sand*, or *grauel-pits*, or such kind of commodities, and what is euery such kind worth to the Lord, or may be made worth by yeare. Mines. Quarries.

These are casualties, and seldome or neuer at all happen in any Mannor together, and few Mannors but haue some or one of them, which may be very beneficiall to the Lord if the surueyor be willing and skilfull to aduantage the Lord.

30 VVhether hath the Lord of the Mannor any *Turfs*, *Peates*, *Heath*, *Broome*, *Furres*, or *Flagge*, which are, or may be yearely sold within the Mannor, and what may they yeeld the Lord by yeare, if they were improoued. Turffes and Peates.

These things are not in euery country, much lesse in euery Mannor. for I thinke Essex *can afford little of them, vnlesse it be of Turfes and Peates, if they were sought in some low grounds, in some creeke of the Sea,* Northumberland, Westmerland

merland *and those wild fields yeeld store of Peates and Turfs: so doth* Yorkshire, Lanchashire, *& other places many within this Kingdome, which would be very profitable, make good fewell, and saue much wood.*

Baily. **What meane you by Turfes and Peates? are they not heath Turfes you meane?**

Sur. There are *heath Turfes*, which are also meant in this Article, but the *Turfe* and *Peate* is of another kind: for they are taken in bogges, and such rotten grounds as cattle cannot feede vpon. And those that are first cut vp, are called *Turfes* of the vpper part, and such as are taken downeward, are called *Peates*.

Baily. **How meane you downeward?**

Sur. Vnder the first cut: for you may cut a speares length deepe in some places in the summer time, and that kind of earth will burne very excellently. And if it be cut neuer so deepe, it will fill againe in few yeares, and then may it be digged againe, insomuch that the profite will be continuall.

Baily **Then it is beneficiall ground.**

Sur. So it is: and I thinke there be many grounds would serue to this purpose, if they were sought out, where scarcity of other fewell is. But there is no greater enemie to thrift then idlenesse, and ignorance of things of vse not in vse.

Baily. **You spake also of Furres, I take that to be no good fewell, but to brew or bake withall, it maketh onely a flame as doth stubble or straw.**

Suruey. Yes: it is good fire-wood in *Deuonshire* and *Cornwall*, where they make great profite in venting it for that vse, in many the greatest townes, and in *Excester* especially.

Bayly. **Then are they better then our ordinarie Furres about vs.**

Surney.

Sur. The Country people do call them *French Furres*, they haue a verie great ſtalk, and grow very high, & their prickle verie ſtrong: but that they grow thicke, and the bodie is commonly bare to the toppe, where is onely a green buſh of the tender and ſmal branches, and ſeldome elſewhere, ſo that they eaſily make them into faggots, and ſo vent them.

31 VVhether is there within the Mannor any *Slate ſtones* for tiling, *red* or *blacke Lead*, or *Oker* for Marking ſtones. Slate ſtones. Marking ſtones.

Theſe kind of Slate ſtones are full in Cornwall, *and the Marking ſtones moſt about* Darbiſhire, *& thoſe parts Northward, as are alſo milſtones about the Peake.*

32 VVhat *Deere* hath the Lord of this Mannor in his Parke, red and fallow: how many of Antler, and how many raſcall: who is Keeper, and what is his Fee by yeere: whether hath he any *Warren of Conies*, or *Hares*, who is the Keeper of either of them, and what Fee hath hee by yeere, and what is the VVarren of Conies worth by the yeere, and what were the Parke worth by acre to bee let by yeere, if the Deere were deſtroyed, and how many Acres is there within the pale? Deere.

A Parke for Deere is more for the pleaſure then for the profit of the Lord, or Common-wealth, and yet fit that Princes and men of woorth ſhould maintaine them at their pleaſures, yet not ſo fit, that euery man that liſted ſhould maintaine that game, for his priuate pleaſure, that depriueth a Common-wealth of more neceſſarie commodities. But men of late are growen more conſiderate, and haue diſparked much of this kind of ground, and conuerted it to better vſes, As for Warrens of Conies, they are not vnneceſſarie, and they require no rich ground to feed in, but meane paſture and craggy grounds are Conies.

fitteſt for them. It is therefore in the diſcretion of a good and circumſpect Surueyor, to aduiſe his Lord how to diſpoſe of theſe things for his beſt aduantage. And in craggie and vnprofitable grounds to keepe Goates.

Repriſes and payment.

33 VVhat *penſions, portions, payments*, or *fees* are, or ought to bee yeerely paid out of this Mannor: to whom are they payd, and for what, and what *rent* or *annuitie* is there payed, or ought yeerely to bee payd out of any Mannor, or by any perſon, vnto the Lord of this Mannor: and whether hath the ſame been duely payed, or diſcontinued: what is the annuitie or rent, by whome ought it to bee paid, for what thing, and how long hath it been diſcontinued.

Theſe things are verie duly to be examined, both which goe out of a Mannor, or bee payed to a Mannor, although in many places they bee much neglected, not in calling for, I confeſſe, but if ſuch payments bee denied, the Lord, to whom ſuch things are due, can hardly ſay or auow, for what, or in conſideration whereof they are due: and by that meanes men loſe their right, both of the payment, and ſometimes of the land, if it eſcheat, yea, whole Mannors ſometimes.

Faires. Markets.

34 VVhether is there within this Mannor any *Market* weekely, or *Faire* at any time of the yeere kept, on what day or dayes, who hath the toll and profits of the ſame, and what is it, or may it bee worth vnto the Lord by the yeere, whether in his own hands, or let to farme, and for what rent.

Faires and Markets are commonly by Patent from the King.

Pawnage.

35 Whether doth the Lord, or may hee take in any *ſwine to pawnage* yeerely into his Parke or woods, what is the *pawnage* worth by yeere.

Bayly. Sir, you néede little to enquire of that, for Okes and Beech that haue béene formerly very famous in many parts

parts of this Kingdome, for feeding the Farmers venison, are fallen to the ground and gone, & their places are scarcely known where they stood, Iam seges est vbi quercus erat.

Sur. It is verie true: and it is pitie, that Lords of Mannors haue no more care of their posterities. For assuredly there will bee greater want of timber in time to come in this Realme, then may bee supplyed with little charge from any part else whatsoeuer. And therefore might Lords and Farmers easily adde some supply of future hope, in setting for euerie 20. Acres of other land, one acre of Acornes, which wold come to be good timber in his sonnes age, especially where there is, and like to bee more want.

Bayly. The course were good, but you prefire too short a time farre: for Okes are slow of growth, and it wil bee long ere they come to bee timber.

Sur. I knowe in *Suffolke*, where in twentie yeeres Acornes haue yeelded fruit already, neere as high as a steeple of ordinarie height.

Bayly. Truely, it is pitie it were not enioyned to men of abilitie and land to doe it. But I thinke men imagine, there wil be timber enough to the end of the world, as many things else presage it cannot stand long.

36 VVhether hath any of you any *Deedes, Euidences,* Euidences.
Court-rolles, Rentals, Sute-rolles, Custom-rolles, Bookes of Survey, Accounts, or any other escripts, or monuments, touching or concerning this Mannor. If you haue any such, produce them at this Court for the Lords vse and seruice: or if you know any that haue any such, deliuer their names, that the Lord may procure thē to shew the same.

Men that haue such are nice in deliuering them, but if they haue them and conceale them, they are no good tenants in not reuealing them. Aduouson.

37 VVho hath the *aduouson, nomination, presentation* and *gift of the Parsonage, Vicarage,* or *Free-chappell*

whereunto this Mannor belongeth: or whether is it an *impropriation*, belonging to the Lord of this Mannor, who is incumbent of the Parsonage or Vicarage, or who hath the impropriatiō in vse, & what is it worth by yeere.

Some haue taken, and set downe a Parsonage or Vicarage to be parcell of a Mannor, but I take it otherwise: for a matter of spiritual or Ecclesiasticall function, cannot be parcel of a secular liuing. But a Mannor as touching the tithe, may belong to an Ecclesiasticall charge: neither doe I thinke, that an Impropriation, *though it belong vnto the Lord, yet is it not parcel of his Mannor: because that* ab origine, *euen from the first institution, it was dedicated to a spirituall office. And although the profits were afterwards disposed to a secular person, yet are not the profits parcell of the Mannor.*

Lords Bayly. Steward.

38 Who is the Lords *Bayly*, what is his name, what yerely fee hath he, & whether hath he a Patent for life, or is at the Lords will, and who is *Steward* of the Lords Courts: what is his fee, and whether doth hee hold it by patent or at will: who is *woodward*, and what other Officers are there within, or belonging to this Mannor, and what are their fees.

Sundry Mannors haue sundry officers: some of the Lords election and appointment, and some of the Tenants, among whom they are yeerely chosen, as *Hayward, Reeues, &c.*

Diocesse, hundred, &c.

39 VVithin what *Diocesse*, and *Deanrie*, within what *diuision and hundred* lyeth this Mannor: and to what place are you that are the Tenants, vsually called to doe your seruices, to muster, and to shew your Armour, and weapons: and what *Beacons* are you appointed to watch and ward at.

It were a simple part of a Surueyor, if his Lord should

aske

aske him these questions, and he should answer, I cannot tell; and yet are they things fit for the Lord, to bee acquainted with, vpon sundry occasions.

4o What *Market* Towns are neerest vnto this Mannor, and what commodities are there especially vented at euery of them. Market Townes.

This is also necessary to be known of the Lord, that dwelleth remote from his Mannors, for many reasons. Thus much for the charge.

Notandum.

Euery Surueyor is in discretion to order his owne busines, and none is tyed to this method of charge: yet hee must take the substance of these Articles, or such and so many of them, as in his conceit (guided by some foreknowledge of the state of the Mannor which he is to survey) are fittest to be deliuered vnto the Iurie; *and withall he is to explane vnto them the sense and meaning of euery Article more at large, then he will giue them in the letter. And hauing thus finished the charge, I hold it fit to giue the* Articles *in writing vnto the Iurie, to the end they may answere their knowledges, to euerie of them in writing. And because the* Iurie *(perchance) cannot so methodically set downe their owne plaine meanings, as is fit to be ingrossed in the Lords booke, the* Surueyor *must correct the former, still keeping himselfe within the compasse of the meaning of the* Iurie, *and then to reade the same vnto them distinctly, that they may allow or disallow the same: and because they shal haue sufficient time, to consult and deliberate vpon euery Article, they may haue day giuen them, vntil such time as the* Surueyor *doth thinke he shall finish the Perambulation, and view of the Mannor in sort as hee intendeth, and then to take their verdict, and accordingly to ingrosse the same together with his owne priuate necessary obseruations.* Euery Surueyor is to vse his owne method.

Im-

Immediately after the charge thus ended, the Surueyor is to make proclamation, in the name of the Lord of the Mannor, that euerie Tenant doe presently produce his *deeds, copies, leases,* and other *Euidences*, to the end that the Surueyor and his Clarke may enter them roughly in a booke, and afterward inroll them faire in a booke of Parchment for continuance.

And if any man make default, he may finde it by the Catalogue of the names of the Tenants, which he must take at the beginning of the Court, and crosse them as they bring their Euidences to bee entred: the manner of which entries doeth briefly follow.

Beauland Manerium.

Intrationes omnium & singularum chartarum, Copiarum, Indenturarum omniumque aliarum Euident, tenentium, ibidem factæ tertio die Nouemb. Anno Regni Domini nostri Iacobi, Dei gratia, magnæ Britanniæ, Franciæ & Hiberniæ Regis, fidei defensoris, &c. 4. vt sequuntur, viz.

Charte

Chartæ Liberorum tenentium.

VV. P. de F. in Com. M. Yeoman, per chartam dat. tertio die Martij, Anno regni Henr. 7. secundo, tenet libere sibi & hæredibus suis (if it be intailed, then according to the limitation) ex donat. R. S. vnum mesuagium siue tentm. vocat. Whytlocks, situat. in quadam venella vocat. Potters-street, inter mesuag. R. L. ex. austr. & quandam viam vocat. Loue-lane ex parte Bor. abuttan. super magnam communiam vocat. Hownes Moore in Occiden. & super com. campum, vocat. Beggars Bushfield in Orientem, & continet in longitudine quadrgint. pertic. & in latitudine nouē pertic. & dimid. vnum clm. prati. vocat. Mosse meddow. cont. per estimat. quinque acr. & quinque acr. prat. iac. in commun. prat. vocat. Colliers meade, & tres clausur. terræ arabilis infimul iacent. vocat. Bathyes, cont. in se in to. per estimat. decem acr. vnum clm. pastur. vocat. Abbots close, iacent. &c. cont. per estimat. tres acr. Quod quidem mesuagium pred. R. S. nuper perquisiuit, de quodam A. B. habend. &c. per redd. vnius libr. Piperis, & per seruic. inde debit. & consuet.

1. libr. Piperis.

In hac forma ceteræ omnes irrotulentur chartæ, secundum particularia in eisdem specificata.

COPIÆ CVSTVMA-riorum Tenentium.

B. C. per cop. Cur. dat. nono die Maii An. regni Elizab. 30. tenet exſurſum redditione. W. R. vnum tentm. iacent. in quodam vico vocat. Churchſtreet, int. &c. (according to the buttles) & unam clm. terræ voc. Haywood, iac. &c. cont. per eſtimat. duas acr. vnum pratum vocat. Deare meade, cont. quinque acr. & decem acr. terr. in com. campis. Habendum ſibi & hæred. ſuis ad voluntatẽ Domini ſecundum conſuetudinẽ Manerii, & dedit Domino pro fine 3. pounds, 6. ſhil. 8. pence, & reddit per annum. 2 ſhil. 6. pence.

Finis 3. po. 6. ſhil. 8. pe.

If the eſtates be for liues, as in the moſt Mannors in the Weſt, then the entries of the Copies muſt bee according to the words of the copie: and at the foot of the entrie of euerie copie, it is fit to ſet downe the ages of the tenant in poſſeſſion, and of them in reuerſion.

Alſo it behoueth a Surueyor in the entry of all Deeds and Copies, to ſet downe the names of all meſuages and tenements,

and

and the names of euerie particular close, and parcell of land, as they are set downe in the Copie. And not onely the present tenants name, for two, three, or foure descents, if it be expressed in the copies.

It is a fault in some Stewards, that in making out Copies, doe set onely downe the name of him that surrenders, and the name of him to whome the surrender is made, without further relation of any former tenants name, and do also set down the messuage, without setting downe the particular parcels of land belonging vnto it, vsing onely generall words, which in all things import incertaintie. Whereas, if hee did well, hee should obserue and set downe euerie parcel both in qualitie and quantitie: namely, what is meadow, pasture, arable, wood, &c. with the principall buttes and bounds, by the Surueyors booke. But for want of true surueys many beneficial things are omitted, and many hurtfull committed.

De intratione dimissionum, siue Indenturarum, in quibus ea quæ sequuntur, obseruanda sunt precipue.

Dies mensis & annus.
Partes, inter quas facta est Indentura.
Consideratio concessionis.
Particularia, quæ per Indenturam traduntur.
Habendum, cum termino annorum aut vitarum, pro quo aut quibus conceduntur.
Redditus, & tempora solutionis.
Clausa districtionis, aut foris facturæ.
Conuentiones, & Prouisiones breuiter, sed distincte.

Quomodo obligatur ad warrantizandum Conceſſor, &c.

This ſuffiſeth for the forme of the entrie of Deedes, Copies, and Leaſes.

Bay. **Is this all that is required in the making vp of a booke of Suruey?**

Sur. Some think it ſufficient to come into a Mannor, and to call the tenants, and to cauſe them to ſhew their euidences, and to enter them, and ſo to giue the Lord a booke of the eſtates, and thinke they haue done a great worke. Which is as much as if a Caterer ſhould prouide meat, and the Cooke to ſend it to the table rawe for his Lord to eate. The Caterers office doth as much towards the Lords diet, as the bare knowledge of the eſtates of a Mannor, doth towards the performing of an abſolute Suruey. Yet is the Caterers office, a good inducement, and without his prouiſion the Cooke can doe nothing: and without the knowledge of the eſtates, a Surueyors trauell is to little purpoſe.

Bayly. **Yet you will enter euery mans particular lands againe, will you not? notwithſtanding the entring of their Euidences?**

Sur. It muſt be ſo, after the view had, and made of all the Mannor.

Bay. **What elſe require you at my hands to be done then at this time? for I perceiue you haue giuen the Iurie their charge, and limitted them a day to bring in their verdict: and you haue ſéene and entred all the Déedes, Copies and Leaſes of the tenants which haue appeared. What will you now doe in the meane time?**

Tenantts muſt accompanie the Surueyor in his perambulation.

Sur. I muſt now command you (the Lords Bayly) to appoint me ſome ſufficient tenants, to accompanie mee in the perambulation and deſcription of the Mannor.

Bayly. **What, will you make a plot of the Manno?**

Sur. It is verie expedient and neceſſarie for many cauſes,

ſes, which I ſhewed you in our firſt conference.

A plot of a Mannor neceſſary.

Bayly. Will you doe it by inſtrument?

Sur. Yea.

Bayly. Then you néede the leſſe helpe, for you will vſe no chaine.

Sur. I wil, and it behooueth to vſe the chaine, notwithſtanding the inſtrument.

Bay. I haue heard ſome of your profeſſion ſay, they could plot out a Mannor, and neuer vſe line or chaine, with the inſtrument.

Sur. A Painter can by his art delineate the proportion of any creature, without vſing perſpectiue glaſſe, or a compaſſe, euen by the eye and ſerious obſeruation: ſo may a man, hauing the true vſe of any topographicall inſtrument by rules geometricall, deſcribe a Mannor in a kind of forme, without line or chaine, or other meaſure. But if he will ſay he doth, or that he can truely delineate a Mannor with al the members, as euery ſtreet, high-way, lane, riuer, hedge, ditch, cloſe, and field, in forme with true curuings, angles, lengths, and breadths, ſo that by the plot which he ſo maketh, a ſtranger by ſcale and compas may truely finde the quantities of the particulars, I will then ſay he is a rare bird, & to be admired, becauſe I muſt needs ſpeak as I find, that it is a matter both vnneceſſarie and vnprofitable: vnneceſſary, becauſe it is as if a man ſhould build a houſe, without pinne or naile, by ingenuous excellent geometricall concluſions, to magnifie art, when with more certainty it may be done by the ordinary aid of pins, and nailes: and it is vnprofitable, becauſe it will require a ten-fold time more thē the ordinary courſe of the inſtrument or chaine. And yet when *curioſitie* hath done all that it can in this behalf, he ſhall find (though the concluſions be true) the worke falſe.

Vaine-glorious Artists.

Baylie. Then I perceiue, there be some vaine-glorious of your profession: for some haue not stucke of late to write, and some professe, that they can performe it truely. I haue seene one come into a fielde, and set his instrument in the middle, or in some part therof, and hath taken vpon him immediatly to say, the content is thus much.

Sur. I haue heard one also to say, he can keepe all the commandements of God, and erre no iot in any.

Baylie. Fye on him that will assume that power, that was peculiar onely to Christ.

Sur. The like vaine-glorious is hee that so assumeth vnto himselfe admiration, who may be more admired for his presumption, then for his truth in performance: for a peece of ground cannot lie in any such forme, as he with an Instrument at one station can finde the quantitie, though he may aime at it at two stations: but a peece of land may so lie as he shall erre, let him take as many stations as he can, and yet he must measure betweene his first two stations at the least, and toyle himselfe and his companions, more then if he went the true course of Arte and Reason.

Baylie. What you meane by stations, I am not acquainted, but I hold the plainest way, the truest way in all conclusions, if Art and Reason bee not against them: and sith the chaine, I perceiue, is necessary to bee vsed with the Instrument, I will prouide you helpe, both for your aide in that behalfe, and for your information, hoping that you will not be against me to view your manner of working: and if I doe aske you a question now and then, for my better satisfaction, you will not be curious in aduising.

Sur. I will not onely not be curious, but I will gladly impart my poore skill vnto you, if you be willing: and I will bestow demonstration, if you will affoord attention and practise.

Bay-

Baylie. **What call you this Instrument?**

Sur. Some call it the *Plaine Table.*

Baylie. **Is there no other Instrument vsed in plotting of ground?**

Sur. Yes, according as men of skill doe fancie.

Baylie. **But which doe you approue most? for as there be diuers, so men diuersly affect them?**

As Instruments are diuers, so men diuersly affect them.

Sur. Affection is often blinde, and it may misleade a man, but reason seldome or neuer: and therefore he that can maintaine the credite of that he affecteth by sound experience and reason, I hold that a fit instrument for his vse: there are but two principall instruments, fit indeede for the plotting of grounds, and that is this that hath the name of a *plaine table*, and the *Theodelite* which somtimes I vse also.

Baylie. **But I haue seene many, & diuers formes of Instruments, and are they all comprehended vnder these two names?**

All instruments haue one ground

Sur. No, they haue sundrie names, but they are all grounded vpon like principles: and as a man may make sundry kinds of clockes, one differing in a kinde of forme from other, and call them by diuers names, yet they are all founded vpon one ground: and as euery clocke bringeth forth like effects, as to strike & to distinguish times; So these Instruments, though they differ in forme and name, yet they produce like effects, if they tende to this part of *Gcometry*, which is most principally called *planimetry*: namely, the measuring of the length, and bredth of any thing, as of a Mannor, and of all sorts and formes of grounds.

Planimetria

Baylie. **But I haue heard of an Instrument called a Circumferentor, which some doe vse about this businesse with high commendation.**

Sur.

Sur. It is true, it is a new name giuen to the very *Theodelite*, vsed in a sort otherwise then the *Theodelite*, but not contrary. For as the working vpon the Theodelite, is performed by reducing the needle alwaies vpon the point North, as it is marked in the boxe, the *Index* turning to the degree, and poynting out the line of oppositions: So the *Circumferentor* hauing his Index fixed, pointeth to the opposite, and the needle falleth at aduenture vpon some degree marked in the boxe: And the difference is onely in the protraction: for where the one protracteth the worke, by the degrees, found by the fall of the wandring Index: so the other protracteth from the degree, whereupon the needle falleth.

Baylie. This differs as much, as if the bell should strike the hammer to make it strike: where it is more ordinary, that the hammer should strike the bell: but if the sounds be like certaine, and sensible, it makes no great matter whether doe strike the other. And if either of these instruments will performe the worke, let men vse whether they list. But I pray you, let vs proceede in our intended businesse: we haue company sufficient both for your instruction of euery mans land, and to aide you to carry the chaine: as for your instrument, I will carry. Is it much materiall where you begin?

where to begin to describe a Mannor.

Sur. Truely no: yet I hold it most fit to begin about the middle of the Mannor, and then to take a course, as the conuenient lying of the land will mooue vs, or at one end or side, all is one.

Baylie. Then I thinke here is a conuenient place to begin the businesse: here is a spacious walke, and neere about the middle of the Mannor.

Sur. I pray you then set down your instrument there.

Baily. What will you doe with that paper, Sir?

Sur. I must fasten it vpon the Table, that as I goe, I may draw out the forme of euery particular.

Baylie

Baily. But what is that brasse ruler, that you haue taken out of the case?

Sur. It is the Index of the plaine Table.

Bayly. Wherefore strike you that line vpon the paper, throughout the Table, at aduenture?

Sur. It is *a meridian line*, vpon which, at euery station, as you shall see, I lay the index, obseruing to lay it alwaies alike, least I mistake the North point for the South and the contrary.

Baylie. Wherefore serueth this great hor, and needle vpon the middle of the Index.

Sur. It directeth to set the Table alwaies precisely vpon one point.

Baylie. Must it stand alwaies one way, and direct alwaies to one point: how then can you find the true turnings of the angles?

Sur. When the needle of the Index standeth true, as I take it now it doth: looke vpon it.

The manner of describing.

Baylie. Indeede, it is right ouer the line.

Sur. Then I pray you, let me haue one to goe before mee, alwaies to stand with a marke at euery angle.

Baylie. There is one gone.

Sur. I see him: Loe, I stirre not the Table, now it is truely rectified, and vpon this line I make a pricke, which is the very station where the instrument is supposed to stand: and now for this prick, laying the Index hard vnto it, I, by the sight of the Index, lay it vnto the marke, which is set vp in yonder angle, let him not remoue it till I come to it: and then as you see, I draw a line from the pricke by the Index as it lyeth truely and firmely to the marke. Come on with the line. How many sticks is it?

Baylie. Sir it is 25. sticks.

Sur. That is 75. pole.

Baylie. Is your chaine three pole?

Sur. Yea.

Baylie. Oh Sir, what doe you now with your compasses, that you first laid to your Inder, and after to the paper?

Sur. I lay out the true distance, which is from the place where we begun, to the place where the marke standeth.

Baylie. How doe you know whether you strike that line too long, or too short: doe you ayme at it, as a man would deuide a thing in diuers parts by his eye?

Sur. No, there is in all arts sundry parts, and euery part hath his seuerall practise. A man is not presently a Musitian, as soone as he can say his *Gammaoth*. There are steppes and degrees to euery perfection. But this little note that you take hold of, is not the least of the practise in this faculty.

The vse of the scale.

Baylie What call you it? For as Arts haue diuers parts, so euery part hath his seuerall denomination.

Sur. And this whereof we are now in hand, is called *the vse of the scale.*

Baylie. I pray you, if I trouble you not too much, let mée see the demonstration.

The deuidiug of the scale.

Sur. You see in this Index diuers inches, diuersly deuided: one you see, is deuided into 16. equall parts, another into 20. another into 60. these are called scales of ascending, or descending, to a higher or lower computation and extention, according to the number of perches found between station and station. This (as you see) is 75. pole, and the scale or deuided inch, which I haue chosen, is 20. as you see the inch so deuided.

Baylie. But how can you take 75. out of 20. for that you say is your scale?

How to find the number of perches in the scale.

Sur. I cannot take a greater out of a lesser: therfore you see mee apply my compasses to more inches then one, though some of them be deuided more or lesse, I must

conceiue

conceiue euery inche in the whole index to be 20. Then I lay the one foot of my compasse ouer 3. inches, which maketh 60. then I lacke 15. to make 75. Therefore I set the other foote of my compasse into the scale of 20. and reduce it onely to 15. which 15. and the three inches next adioyning, being imagined 20. a peece, makes 75. And as you see the compasse thus spred, I apply it without altering, to the line, which I drew from the first pricke, and where the other foote of the compasse falleth, there is the second station: namely, the place where this marke standeth.

Baylie. Truely Sir, I thanke you, I conceiue it well: for I perceiue, I must alwaies account the inches, not as they are in themselues deuided, but euery of them 20. And if it be vnder 20. then I must referre mee to the very scale it selfe, which is deuided 20. and take the number out of it: and if it be aboue 20. I must take the nert inch or inches to the scale, and take the odde out of the scale it selfe.

Sur. If your suddaine aphrehension haue as strong a retention, you will doe well: but commonly quickest conceites doe soonest forget. Therefore must you often chew it in your mind, and apply it to your memorie, and and as we passe in this businesse, you may make some vse of my practise.

quicke conceites soone forget.

Baily. Sir, I thanke you.

Sur. What call you this Common?

Baily. Yee that are Tenants, and are sworne, enforme the Surueyor.

Iurie. Sir, it is called Water-hurst Common.

Sur. So, you that carry the marke, I pray, goe to the next angle, and set vp your marke, and stirre it not till I come. *Baily*, set downe the instrument againe, heere where the marke stoode.

Baylie. I perceiue you lay the Inder vpon the line again:

and then you turne the Table, till it be by direction of the needle, North and South, as before.

Sur. I doe soe.

Baily. But why doe you now lay the Inder, and by it looke backe againe?

Sur. Onely to try whether the needle be right: for if the Index from this last pricke, doe fall truely vpon the first station, then may I be bold that I shall make the next angle true.

Baylie. I haue seene some haue one to stay alwaies behind at the last place whence you come, and so the Surueyor lookes backe to make his next angle

Sur. Some doe so, but it is more troublesome: for by this kind of working hy the needle aud the meridian line, a man may make the angles right without any backe opposite.

Baylie. It is farre the better, more easier, and spædier working, as I take it, now you lay the Inder to yonder marke before you, and the line that you haue striken from the last pricke, is the line that directeth to it: but because you knowe not yet how many pole it will be, you omit, applying your compasses to the scale, vntill you come to the marke, and know the number of perches.

Sur. I must doe so: now come on with the chaine. How many pole is it in the whole?

Baylie. 37. pole: I see you take almost 2. inches for this number, namely one entire inche, for 20. and 17. parts of the scale of 20. which in the whole maketh 37. and I sæ truely, as 37. is the halfe almost of 75. so is this last line, the answerable halfe of the first, and the angle falleth out in the paper, iust alike vnto the angle of the field. Surely this is a perfect way and I conceiue the doing of it very plainely.

Sur. Then we may goe on the faster: for this doth a little hinder our businesse: but if you thinke fit to aske any question, doe it freely, and I will answere you willingly.

Baylie

Baylie. When I come to any doubt, I will be bold, Sir: now wee haue gone round about the Common of Waterhurſt, and you haue cloſed it vp as rightly like it in forme, as one forme may be made like another. Whither will you goe next.

Sur. Into the next field. What field call you this?

Iurie. Ore Leaſe.

Sur. Whoſe is it?

Iurie. Thomas Turners.

Sur. How doth he hold it?

Iurie. He holds it by Copy of Court roll.

Sur. It is Meddow.

Iurie. Yea, as we call it vpland Meddowes

Baylie. I perceiue you write the names of the Commons and cloſes you take, and the name of the owners and occupiers, and the qualitie of the ground, and how it is held in euery particular cloſe.

Sur. I muſt of neceſſitie doe ſo: for memorie may not be truſted to retaine ſo many things, as are to be noted in this buſineſſe.

Baylie. I pray you proceede to the reſt

Sur. What riuer call you this?

Baily. Will you haue the names of the riuers too?

Sur. Yea, and the name of euery other particular elſe whatſoeuer: for it is very materiall, whether it be riuer, Brooke, lane, high-way, croſſe, tree, pond, hil, hedge, corner, gate, ſtile, grauell, or ſand-pit, meereſtones, baulkes, land, ſhares, or any matter or thing memorable, becauſe they are often mentioned in records, buttes, boundaries, deedes, copies, leaſes, and to diſtinguiſh betweene land, and land, Mannor, and Mannor, pariſh, and pariſh, and ſuch like.

The names of all particulars are to be ſet downe.

Baily. Indeede, I perceiue it is very materiall to remember them all: this riuer indeede is called Otter-brooke, and is indeede the bounds betweene this Mannor of Beauland and

the next Mannor.

Sur. VVhat call you the next Mannor, on the other side the riuer?

Baily. The Mannor of Littleton. But will you obserue the names of all the Mannors, that border vpon this Mannor.

Sur. Yea, of necessity, and whose Mannor it is: for it were a simple part in me, to take the circuit of this Mannor, and if the Lord should aske mee what Mannors lay about it, I should answere, I cannot tell: it is fit the Lord should know who were his neighbour Lords, and what Mannors were neere him. VVhose is the Mannor of Littleton?

Confining Mannors are to be noted.

Baily. The Kings Mannor: and therefore whether you may boldly set it downe, you may be aduised.

Sur. There is no feare, where is no purpose of offence and in this it is not only not offensiue, but expedient that the true bounds, meeres, and markes of diuision between Mannor, and Mannor, should be obserued and set downe, that either may knowe how farre his owne extendeth.

Baily. It is I confesse, very necessary. But Sir, how will you doe now? heere is a great pond, through which you cannot measure, how can you find the breath of it, that when you come to the other side, you may take the iust distance? for as I conceiue, if you should lay it downe by your scale, as you call it, too farre, or too short, you should bring all the land neere it out of rule, making it either too much or too little.

Sur. I perceiue you vnderstand well, for you say truly. Therefore if you obserue what I doe, you shall find that I will not commit that error much sensible.

Baily. How, I pray you?

Sur. You seee how the instrument standeth, truely erected as before, and you see a little Mole-hill vpon the fur-

furthet bancke of the pond: I lay (as you see) the Index vpon it, and take it for my marke iust in the middle of it, and from this last station I strike a line at aduenture, in the extention, but truely vpon the marke: then without moouing the instrument, I turne the Index from this station, where the instrument stands, vnto the staffe which the marke-bearer hath set vp yonder, and strike likewise a line to it, as you see: now I measure from this station to the staffe, and I find it is 16. perches, that you see how I take it with my compasses vpon the scale, as I shewed you before, and where the foote of my compasse falleth, there is the place where the staffe standeth. Now see, I erect mine instrument againe, and then I place my Index vpon this place measured vnto, and turne the same vnto the middle of the former Mole-hill, and you see, that the Index doth crosse the first line, and I draw a third from the place of the staffe, to the Mole-hill, and it crosseth it, you see, at this place, then I find, that the very point of the crosse lines is the place of the Mole-hill.

Baily. But how know you by this, how farre the riuer or pond is ouer?

Sur. I will tell you presently. Lo, I lay the one foote of the compasse vpon the first station, and the other vpon the pricke of the Mole-hill: and now marke, I lay the compasse, without stirring the feete, vnto the scale, and as you see, it taketh three inches and a halfe: therefore I lay the compasse so, as the one foot may rest vpon the scale, which I haue chosen, which is the inch deuided into twenty parts, and that, you see, is iust in the middle of the inch, which is ten perches, and the other three whole inches, are twenty apeece: so the whole bredth of the pond is 70. perches, deducting as much on either side, as is be-

tweene

tweene the brincke of the pond, and the markes on either side, becauſe I could not plant mine inſtrument ſo neere the water, but that ſome ſpace muſt be of neceſſitie betweene.

Bailie. I vnderſtand this well: and I ſee, that by this rule a man may take the diſtance of a place farre off, and neuer meaſure to it.

Sur. So may you, and to tell how farre diſtant diuers things are one from another, though neither of them be neere you. But for theſe things, if you couet more inſtruction, you may referre you to diuers in London, or elſe where, that are practizers and teachers of theſe Geometricall concluſions: for now time will not ſerue vs, neither for me to teach, nor you to vnderſtand the things at full, which are required in the Mathematickes, whereof this is but a part.

Baylie. I thanke you for your preſent willingneſſe: when better your opportunity and leiſure will permit you, I will be bold to trouble you further, and I will be thankfull, I will not now let you: I pray you proceede.

Sur. What houſe is this?

Baylie. These men of the Jury will tell you better then I: for I am but a ſtranger heere to ſpeake of, and I dare not be to bold to ſpeake either by geſſe, or by report, of things which muſt be recorded to poſteritties.

They that informe, muſt know what they ſay.

Sur. You doe better to forbeare, and to be ſilent indeede, then to ſpeake what may leade vs into error, as many buſie and forward fellowes doe, to the hurt ſometimes of the Lord, ſometimes of the Tenant. And ſome Surueyor ouer-credulous, will take their raw reports for matter of record, and ſo leaue doubts or vntruthes to them that ſhall come after. But what ſay you that haue beene ſworne?

Raw reports wirhout knowledge, are vnfit to be recorded

Houſes are called after the names of Tenants.

Iurie. The name of the houſe is Fullers: but why it is ſo called, we cannot tell.

Sur.

Sur. It is so called (no doubt) of some former tenant of that name: for houses and farmes are oftentimes called after sundry names, according to the varietie of the tenants names: and it is a good course to set down all the ancient names of a farme, because in ancient records, names are found both of farmes, and closes, and such like, that are out of knowledge, for want of the continuance of expressing them in their Copies, Deeds, Leases, Rentals, sute Rols, and custome Rols. But whose is the house now?

Iury. It is now in the tenure of William Sands.

Sur. How doth he hold it?

Iury. By Lease for 21. yeeres.

Sur. When I come to any of the land that belongeth to this house, let me vnderstand it: for it is conuenient to mention, in setting downe euery peece of ground, to what house, farme or tenement it belongeth.

Baylie. Here you are now come to the Lords wood.

Sur. What call you this wood?

Bayly. I take it, it is called Frith-wood.

Sur. It is parcell of the Lords demeisnes, is it not?

Iury. It is so, Sir.

Sur. Heere are good timber trees, wee will number them.

Bayly. Number them? how is it possible to number them, they are so many, and stand so thicke? To number trees.

Sur. I confesse (especially if it bee thicke of bushes and vnderwoods) there is difficultie in numbring them: yet if you will follow my direction, wee will come neere the number.

Baylie. How, I pray you? wee will all giue any ayd we can.

Sur. Then goe you along by this hedge, and when I

bid you ſtand, ſtand you ſtill: and let another goe vp this path, and when he comes right againſt you, let him ſtand: likewiſe another muſt ſtand here at the end of the wood, and muſt not mooue, vntill I call him to remooue: and I and my man wil account the nũber of the trees, that are within the ſquare, which you three and the corner of the wood doth make. Sirra, goe you along by the hedge, and let your eye be alwaies vpon the trees that are betweene vs, and as you ſee mee mooue, ſo mooue you: and I wil number the trees as I goe. So, now call away the man that ſtands at the end of the wood, and place them again in another ſquare, and do as before: and ſo from place to place, tilall the wood be viewed, and the trees numbred.

Bayly. To what end is this? what is the Lord the better, to know the number of the trees?

A Surueyor ſhould ſeek to know the number of timber trees.

Sur. Howſoeuer the Lord be pleaſed to thinke of the ſeruice, a Surueyor ought to know it, that when he ſhall be demanded of the Lord, what hee thinketh the wood to be worth to be ſold, he may be able to anſwere it, and giue a reaſon for that he ſaith, and not to ſpeak at random or by geſſe, without ſome ground of reaſon or proofe. For how can a man value a wood, when hee knowes not what crop it beareth? For a wood may haue an hundred trees in an acre, ſome woods not twentie, ſome not fiue and therfore it were great negligence in a Surueyor, that would paſſe by a wood of the Lords, and would not take note of the trees, yea, and of the reaſonable value of them one with another, that he may readily be able to ſatisfie the Lord, when he ſhal demand the Surueyors opinion, though he cannot anſwere preciſely, yet neere.

Bayly. You ſay truely: But what if there be no trees at all in the wood, as here is a wood adioyning, called Buckes-groue, that

that hath the name of a wood, but hath no trees at all?

Sur. Then is it vnderwood, which must be considered in another kind: for there is difference betweene timber trees, and vnderwoods: for an acre of timber trees may be worth forty pounds, and far more, or much lesse, when an acre of vnderwoods cannot lightly exceede fiue pounds, and may not be worth twenty shillings. Therfore must the Surueyor bee heedfull, I say, to note what trees are among the vnderwoods, and must also haue skil to iudge of the values of the trees: namely, to iudge what a tunne of timber, or a load is worth, and how many loades a tree will make. And because this is not alike in all places, he must bee carefull to obserue the plentie or scarsitie, the vse and little vse of timber or fire-wood in the place where he is to deale, and accordingly in discretion to iudge of the values of that hee hath in hand, else may hee deceiue himselfe and his Lord much, if hee prize wood in the *weald of Sussex*, as it is worth about *Salisburie plaine*.

Difference between timber trees and vnderwood.

The place to be considered.

Bayly. Sauing your speech, the like is to be considered in the letting and sale of Land.

Sur. It is true: we haue had a good walke betweene these two stations, and a long discourse of woods. But me thinks I see a quarry of very good stone here.

Bayl. Yea Sir, heere is both excellent free-stone, and good Marble, and as we shall goe, you shall find diuers sorts of minerals and earths: which you cannot note vpon your plot, because they are things hidden vnder the earth.

Sur. Yea, but I will (for so I ought) set down in the plot, the places where euery of these cõmodities are found. But for the matter and substance, and the profite and value, I know the Iurie will bring in, in their verdict: for they are all giuen thẽ in charge, and as I shal find in mine

To note speciall places of profit.

owne opinion, I will likewise compare with the Iuries, and so let it downe for the Lords instruction.

Baily. These things are necessarily giuen in charge. But here is a Mill. Sir, will you take note of it vpon your plot?

A good water-Mill, an ornament to a Mannor.

Sur. In any case: for it is not the least ornament of a Mannor, a faire streame and a well conditioned, and well wrought Mill vpon the same. In whose vse or occupation is this Mill?

Baily. It is one G. Iohnsons.

Sur. By what right?

Baily. Let them of the Iury speake.

Iurie. He holdeth it freely for a pepper corne a yeare. But it was parcell of the Lords demeisnesse, but he sold it: and it was a custome Mill very profitable.

Not good for a Lord to alien his custome-Mill.

Sur. He that perswaded the Lord to sell away his custome Mill, had little respect to the Lords profite or royaltie: the profite comes easily, and the custome confirmeth the antiquitie of the Mannor. And such a member of a Mannor, I would wish none to put away: But *humor* and *necessitie*, are two opposite Emperors: the one commands, willeth, and doth what he listeth, the other forced to doe what it would not. And therefore men that may doe what they list, and will doe what they may, if they erre to their owne hurt, are not to be lamented. But they that are constrained to doe what they would not, to their preiudice, I pittie them. But I take it, we haue neere troden the whole Mannor.

Humor and Necessity, two Emperors opposite.

Baily. Almost indeede. Here are some few closes more, and then an end.

Cotages on the waste.

Sur. But here are certaine cottages, me thinks, builded vpon the Lords waste.

Baily. Yea, but let them passe, neuer meddle with them: for

for they are onely shelter for poore people, and yeild the Lord little or noe commodity, and therefore spare labour of obseruing them.

Sur. Nay, it is a parcell of my taske, I must omit nothing, that may enforme or benefite the Lord.

Baily. Be it then as you will.

Sur. What are wee now at an end?

Baily. Yonder corner is the last: for it is the place where you began in Water-hurst common.

Sur. So: then wee will retire.

Bailie. What will you then command to be done?

Sur. Cause the Tenants all to appeare, and let the Iurie bring in the verdict.

Baily. The Tenants are at the Court house, and the Iurie ready with their verdict.

Sur. I will goe with you and take it: call the Iurie by poll: make proclamation.

Bailie. They all appeare.

Sur. You sworne men of the Court of Surucy, haue you agreed vpon the Articles that were giuen you in charge, and are you prouided with answere vnto euery of them in writing?

Iury. Yea Sir heere it is fairely written.

Sur. You haue well done in your endeuours, though peraduenture, there may be defects in the forme of your answers, yet if you haue obserued the maine purpose, which is the seeking out, and the deliuering the truth, you haue discharged the parts of honest Tenants, and men feating God. And because that it may bee, some things may be omitted, which you may now instantly call to minde: blush not to declare it heere, before you be depriued of that you haue written: for this paper I must haue, and that vnder your hands.

Iurie. What neede we set to our hands?

The Iurie must subscribe their verdict.

Sur. Because if I erre from it, your hands shall testifie against me: if you haue erred, and I erre through you, your hands shall iustifie me.

Iurie. The thing is reasonable, we will subscribe.

Sur. Now will I read the articles of your charge, and to euerie Article your answere, that you may yet correct or adde what shall bee thought fit, and therefore I pray you listen.

Iury. Read you Sir.

Sur. You agree to all these things willingly, whereunto you haue set your hands.

Iury. We doe so, and doe here confirme it by the deliuery thereof, by our foreman in the name of vs all, to the behoofe of our Lord. And what you else require at our hands, we are readie to performe.

Sur. You doe kindly, and like dutifull Tenants, and be you assured, that your forwardnesse heerein shall not be concealed from the Lord, but with true report of your indeuors for the furthering of the businesse, which cannot but draw a kinde consideration from the Lord againe to you. Which both to gaine for you, and to retaine it, I will truly doe my best: and so for this time, I will leaue to trouble you further, vntill I haue set my other collections, which I haue taken in the perambulation of the Mannor, in some order, then will I bee bold to trouble you againe, to the end that you may all approue, what is done, whether I haue truely set downe the particulars: namely, the Lords demesnes, the free, copie, and leased lands, vnder their true names and due owners: if not, that by your helpe I may reforme it, before I ingrosse it, to continue to your children. For what wee doe, will be hereafter a light vnto them that shall come after you:

and

and if it ſhould be erronious, it would bee preiudiciall to your poſterities.

Iury. I pray you therefore, let there be an examination, and we will gladly giue both our attendance and beſt ayd to perfect it.

Bayly. I ſhall then make an O yes, and adiourne the Court, vntill they haue notice againe.

Sur. Doe ſo.

Bayly. You will now keepe your chamber, vntill you haue made your collections perfect, and caſt vp the land.

Sur. I purpoſe ſo.

Baylie. I would gladly ſée the manner of your caſting vp of the acres as you doe it: for the reſt, I ſhall ſée, when you haue done. For the Iuries examination, I will leaue you till the morning, and then will I come to your chamber.

Sur. Do ſo.

The end of the third Booke.



and if it should be erroneous, it would be prejudicial to your policies.

Jay. I pray you then, let there be an examination of it.

Bayly. I shall then make an O yes, and declare the Court, until there shall be further notice again.

Sur. Do so.

Bayly. Your bill must be put in number, until you have made your collections perfect, and call up the Jury.

Sur. I purpose to.

Bayly. I would gladly be the manner of your calling up of the cause as you do it: for the rest, I shall be, when you have done. For the Surveys examination, I will leave you till the morning, and then will I come to your chamber.

Sur. Do so.

The end of the third Book.

The Surueiors Dialogue, shewing the maner of casting vp of sundry fashions of Land, with the Scale and Compasse, with Tables of computation for ease in accompting.

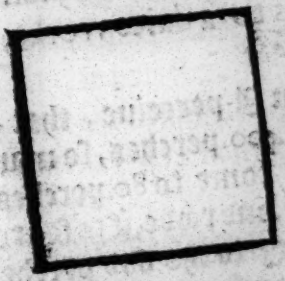
* * *

THE FOVRTH BOOKE.

Baylie.

I See you are busied, and I perceiue you are casting vp the quantitie of this square peece of land.

Sur. So I am.



Bay. This, I take it, is plain and easie to be measured.

Survey. I pray let mee see your skil, what containeth it?

Baylie. I thinke, if I were vpon the ground, I could tell you: but vpon the plot I cannot, because I remember, you doe it by your scale. I would gladly see the vse of it, and how you apply your scale to the perches: and if I saw it once, I thinke I could then gesse at it. Where is your scale?

Sur. This that you see like a ruler deuided.



Baylie. If you will giue me leaue, and if I trouble you not, I will tryhow neere I can come to it. I apply the compasse to the one side of the figure of the close, and then letting the compasse stand, I lay the compasse to the scale, and I find it is iust one inch, which is $\frac{1}{3}$ of the whole scale: and as I remember, you made your scale twenty perches to an inch.

Sur. You say right, and your apprehension is good.

Baylie. Then is the one side 20. perches. And hauing laid my compasse to the rest of the sides, I find them twenty of each side. What now is to be done?

Sur. Multiply the one side by the other.

Baily. Then I must say twenty times twenty, that makes foure hundred perches. But now am I at a stand againe, how shall I know how many acres is in this figure?

Sur. You must know, that there goe 160. perches to one acre, 80. perches to halfe an acre, 40. perches to one roode, which is $\frac{1}{4}$ of an acre, ten daies worke to a roode, foure perches to a daies worke, 16. foote and a halfe to a perch. or Pole.

The parts of an acre.

Baily. Then I perceiue, that as many times as I find 160. perches in 400. perches, so many acres the peece is, and if the ouerplus come to 80. perches, it makes halfe an acre more, if to forty, one roode, if to foure perches, a daies worke: and so according to the odd perches, it maketh parts of an acre.

Sur. You take it rightly.

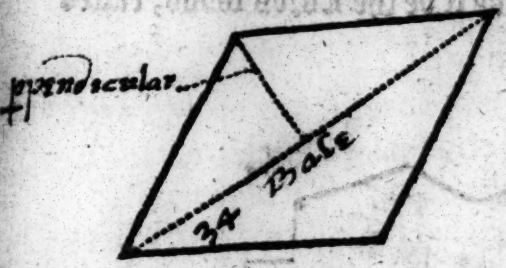
Baily. Then I deuide 400. by 160. and I find 160. twice in 400. and 80. ouer: so it amounts to two acres and a halfe.

Sur. It is wel done: but I would haue you to obserue a forme in setting downe your quantities: for as the parts are foure, so set them downe in foure collumnes: as for example

example: 2-2-0-0. the first is acres, the second is roodes, the third is daies workes, and the fourth perches.

Baylie. I thanke you Sir, I pray let vs see some other forme.

Sur. This forme following is also a square, let me see how you will cast it vp.



Baily. I haue laid the compasse to the sides, as before, and by the scale, all the sides are twenty perches a peece, as were the first, and so I find no difference in the quantity.

Sur. But you shall find you are in an error: for it is not the length of the sides that iustifies the quantity: but the angles must bee considered: for you see there is great difference betweene the angles of the first figure, and the angles of this: for the angles of the first are all right angles, but this hath two sharpe or acute angles, and two blunt or obtuse angles, which maketh difference in the quantity, though the sides be equall euery way to the former.

Peeces of equall sides, may make vnequall quantities.

Baylie. I pray you shew me the reason.

Sur. Your eye may discerne there is inequalitie in the bignesse of these two: but you shall proue it thus: the first is a iust square of twenty perches euery way, which maketh the Area and content as big as possible like sides may make: but this last, by bending two sides, makes the two angles vnequall to the other, and must be measured by drawing a line from the two sharpe angles, and then raysing a perpendicular from that base, to one of the obtuse equall angles: multiply the base, which is 24. by halfe the perpendicular, and that maketh in the whole 2-0-0-3.

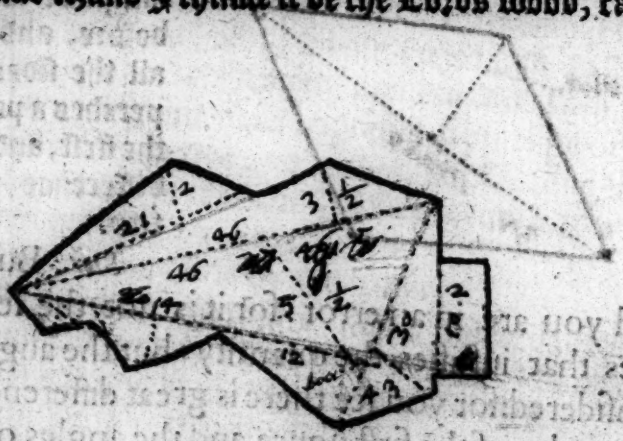
How to cast vp a triangle

the base seruing to both the perpendiculars being equall.

Bayliff. This is almost two parts of an acre lesse then the former. And by this reason there may be a peece of land 20. perches euery side, that shall not containe aboue two parts of an acre.

Sur. It is true.

Bayliff. I see in your plot a croked peece of land to be measured as I take it, and I thinke it be the Lords wood, called Frith-wood.

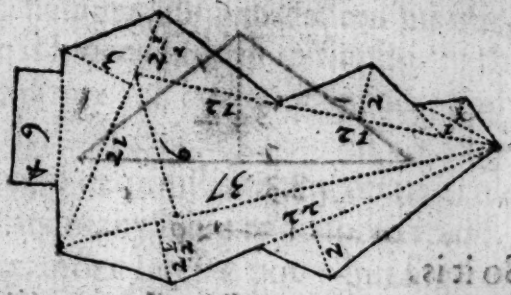


Sur. This is that you see, and it is troublesome to measure indeede: and without a Geometricall instrument, it can very hardly be measured, because there are woods about it, and the wood it selfe thicke of trees and bushes.

Baily. You haue indeed laid it out in his true forme: but it hath so many angles and curuings, that I dare not aduenture to measure it vpon your plot. I pray what course take you in casting vp of such a peece of land?

Sur. The truest course, for that it is so irregular, is, to put it into as many triangles as you conueniently may, making no more then necessitie requireth: and if you can doe this, you may doe any other forme.

Baily. I pray you shew me the manner.



Sur. I will make a demonſtration vnto you, and marke it: you ſee the figure: there are contained within this figure 7. triangles, and one long ſquare: the baſe of the firſt triangle is 22. perches, the halfe perpendicular ther-of is two perches, and that containeth 0-1-0. The ſecond triangle hath his baſe 37. perches, the halfe perpendicular, two and a halfe, which maketh 0-2-3-1. The third hath the baſe 37. the halfe perpendicular 6. which maketh 1-1-5-2. The fourth hath the baſe 21. the perpendicular 3. maketh 0-1-5-3. The fifth is in the baſe 12. perp. two and a halfe, and maketh 0-0-7-2. The ſixth baſe 12. perp. 2. maketh 0-0-6-0. The long ſquare 6. in length, and 4. in breadth 0-0-6-0. The two laſt are equall triangles, baſe 8. perp. 1. and a halfe, 0-0-3-0. All which ſeuerall ſummes being added together, doe amount vnto 3-0-8-0.

2.

3

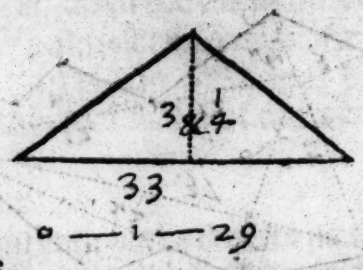
Baily. But which doe you call the baſe, and which perpendicular lines?

Sur. The longeſt line in any triangle is the baſe, and the perpendicular is a line imagined to riſe from the baſe to the obtuſe or blunt angle: as in the example following.

Baſe & perpendicular quid.

Baily. That which is done with prickes, you call the perpendicular, and the lower line, you call the baſe, as in this figure.

Baſe and perpendicular queſtions.



Sur. So it is.

Baylie. But how doe you cast vp the quantitie, by a triangle thus? you cannot as I take it, by multiplying the base by the perpendicular, finde the content: for it is by that computation, more than indeede the triangle containeth.

Sur. You say true, if you multiply the whole base, by the whole perpendicular: but you must multiply the one, by the halfe of the other.

The base mult plied by the perpendicular,

Baylie. Doe you imagine that the truest measure, is by triangles?

Triangles surest measuring.

Sur. Yea, where you finde many angles in one field: there are other kinds, and manners of measuring, but this is speedy and certaine.

Baily. How if a peece of land lie directly round? I think you measure it round, and then cast it into a square, as if the circle be fortie perches round, it maketh 10 square.

Sur. Indeed, many vulgar measurers doe vse to measure many sorts of land round, and cast the whole into a square, which is for the most part false. But for a round, and circular peece of land, you must indeede measure it round, and take the halfe of the number of perches for the length: then take the semidiameter, namely, as many perches, as are from the Center, to the extreame, and multiply the halfe of the circle by the semidiameter. And for a halfe circle, multiply halfe the halfe circuit, by the Semidiameter, and diuide as I shewed you.

A circular forme.

Baylie. I thanke you Sir: I keepe you from your busi-

nesse, yet I pray you let me aske you one question more for my learning: how are hils, and valleys measured?

Sur. There is indeede some difficultie in them, without great industrie: for commonly, hils, and valleys lie very irregularly, sides, heights, and depths, very vnequall. And therefore, to demonstrate any certain rule for these kind of contents, many haue endeuored to do, to whom as vnto vncertainties I refer you: but for such kinde of grounds, there must special diligence be had, in bringing thē into certain parts, distinguishing the parts by marks, and so by degrees to bring these parts into a certain content generall, and that vpon the ground: otherwise I see not, how by measuring a whole irregular circuit together, as irregular heights or depths, & applying the numbers to a generall computation, according to the rules of arithmetick, a certaintie may be procured: although the rules be true, yet in regard of the inequality of forms, the working may faile, vpon a plain plot, which cannot possibly truly demonstrate the true formes, nor consequently the quantities of vnequall hils and dales.

Measuring hils and valleyes.

Irregular formes must bee measured by regular parts.

Bayly. Sir, loath I am to be troublesome vnto you, for that I know you haue much businesse, and the casting vp of particulars of this whole Manor, will be verie laborious: for to cast vp euery particular angle of a ground by arithmeticke, will be very tedious.

Sur. But I haue certaine tables of ease, which yeeld more speedier dispatch, then to cast vp euery content with the pen.

Bayly. I pray you let me be bold, to craue the sight of those tables.

Sur. I haue set them downe in a little book, and here it is.

Bayly. Were these of your owne invention?

Sur.

Many rules o· casting vp contents Beneſe a Canon.

Sur. Many haue endeuoured ſeuerall manners and methods of computation: as one *Beneſe* a Canon of *Martin Abbey* neere *Mecham in Surrey*, who did it by ſundry ſquare Tables, increaſing by ten, as from one, to ten times ten, from one time twenty, to ten times twenty, and ſo increaſing by ten, vntill he come to an hundred times 120. that is, from one perch to 75. acres.

Baylie. Truely, theſe are very neceſſarie tables, is yours in another forme?

Sur. It is in that kind, but it worketh by the increaſe, from one to twenty times twenty, from one to forty times forty, from one to ſixty times ſixty, eighty times eighty, &c.

Baylie. This differs not much from the former, yet I take it to be more ready.

Sur. So it is.

Baylie. Who, I pray you, found out this way firſt?

Randolph Agas.

Sur. Surely I had certaine papers of that method, of M. *Ran. Agas*, but they were imperfect in the due progreſſion: for they contayned the firſt, wanting the middle, & ſome of the end of the Tables: that I haue beene forced to calculate them ſince, to make them perfect. But ſurely his diligence deſerues commendation.

Baylie. Did M. Agas firſt contriue them ſo?

Valentine Lea. M. Digges.

Sur. So I take it, but M. *Valentine Lea*, and M. *Digges* had in manner the like, encreaſing by the multiplication of greater ſummes: but of all other, I take this to be the moſt readieſt that you ſee heere.

Baylie. Is this the Booke, and are theſe the Tables?

Sur. Theſe are they but that I haue ſet them into this forme, becauſe they may the better fall into leaues of a Portable booke, being before in long and troubleſome rols, and in another forme leſſe conuenient.



This Table sets forth
from 1. unto 10 in
order and counts the odd Numbers
encreasing in the Table at

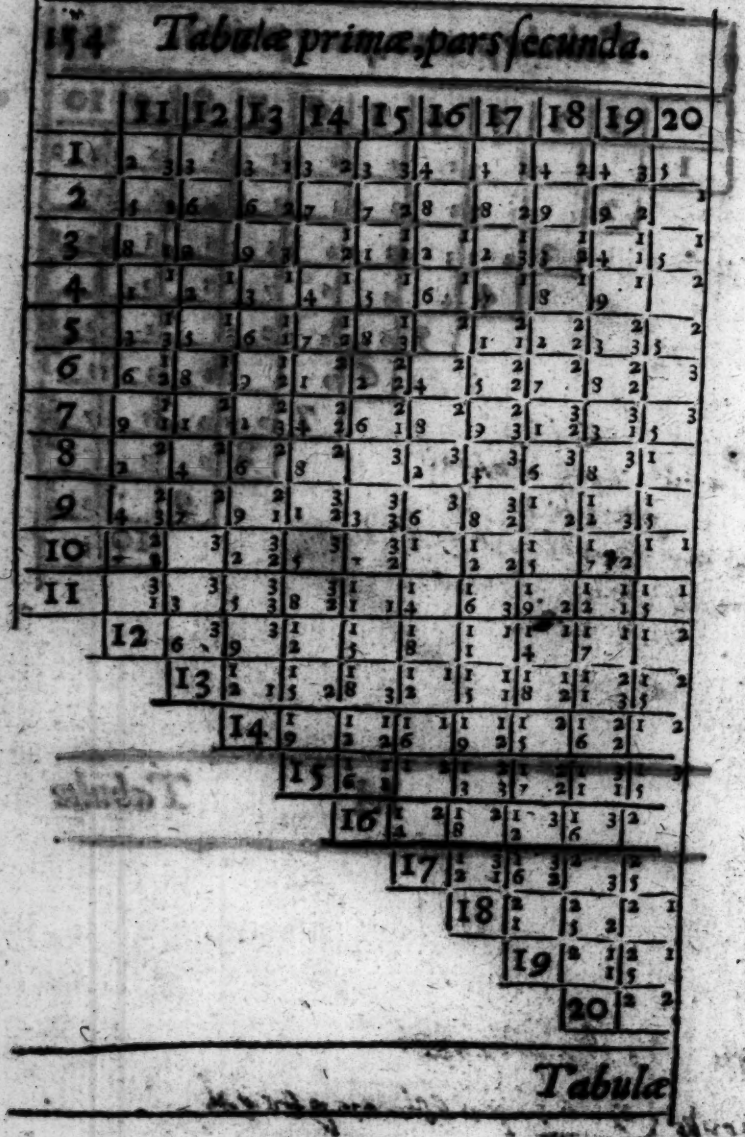
M Table

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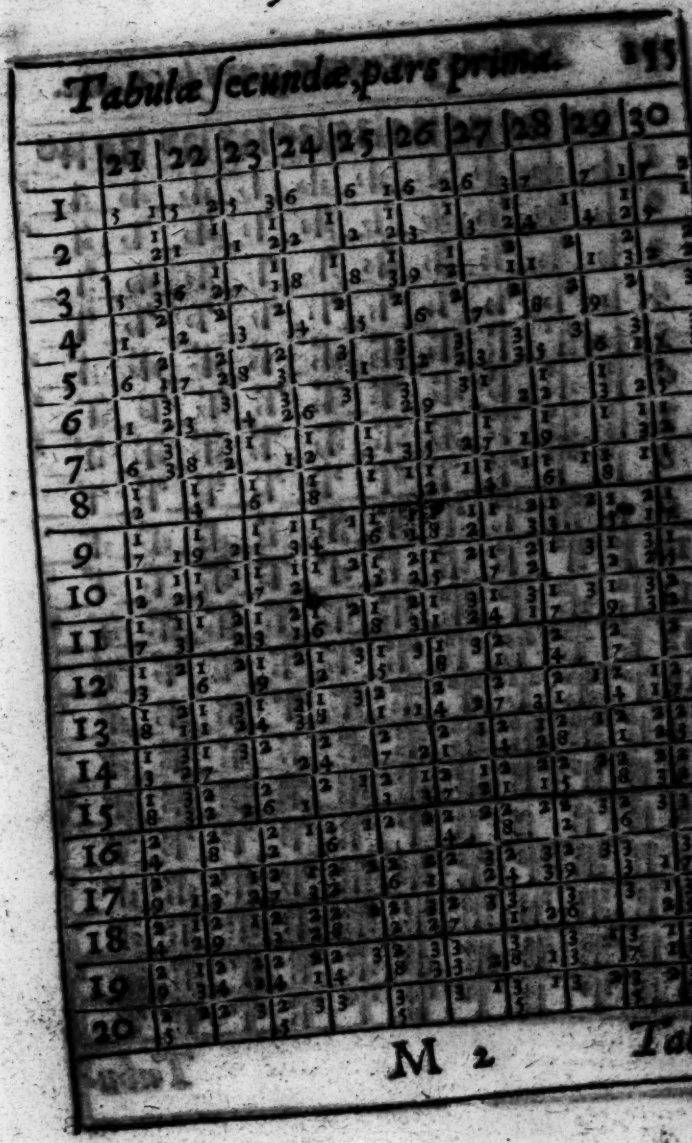


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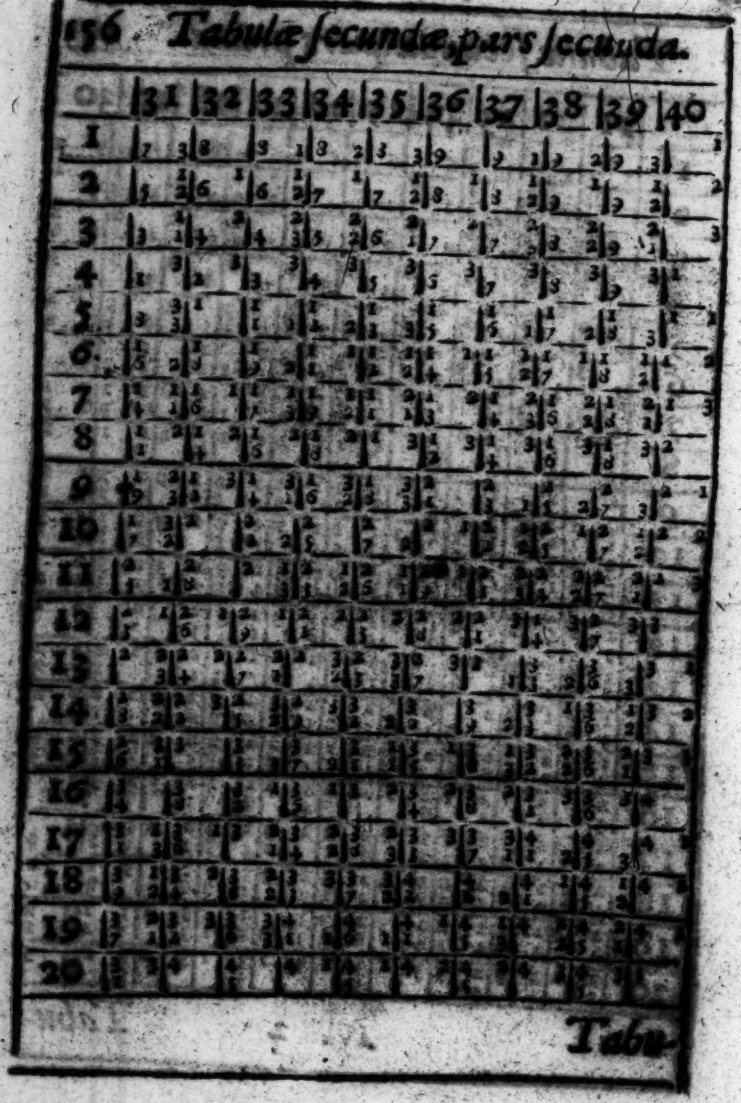
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20	3	4	4 1	4 2	4 3	2	2 1	2 2	2 3		

Tabu

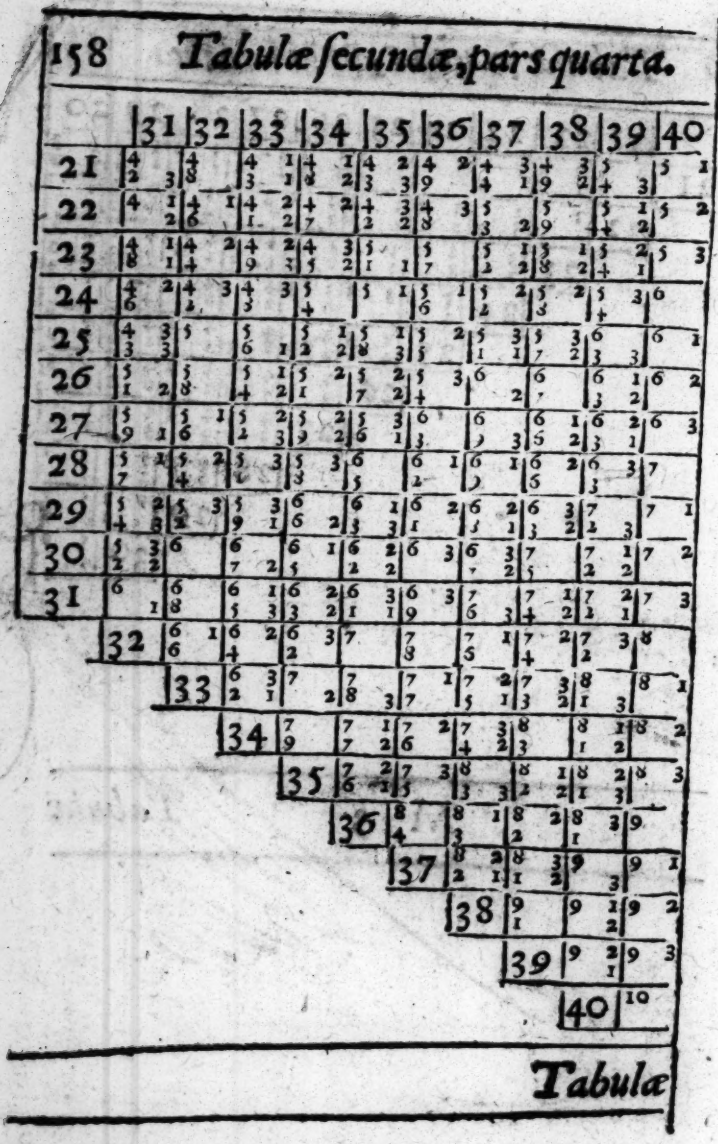
This Left Side proceeds in the 6 Table

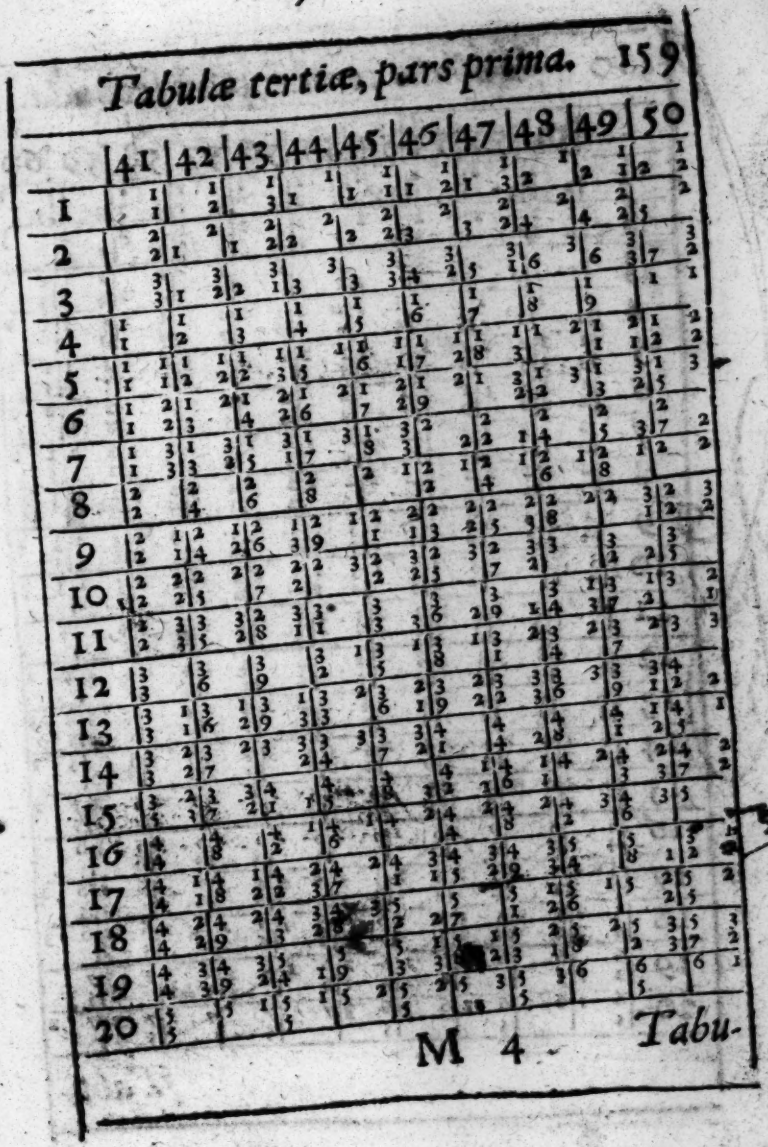
In Table 9.



40 . 48 . 3
12 . 16

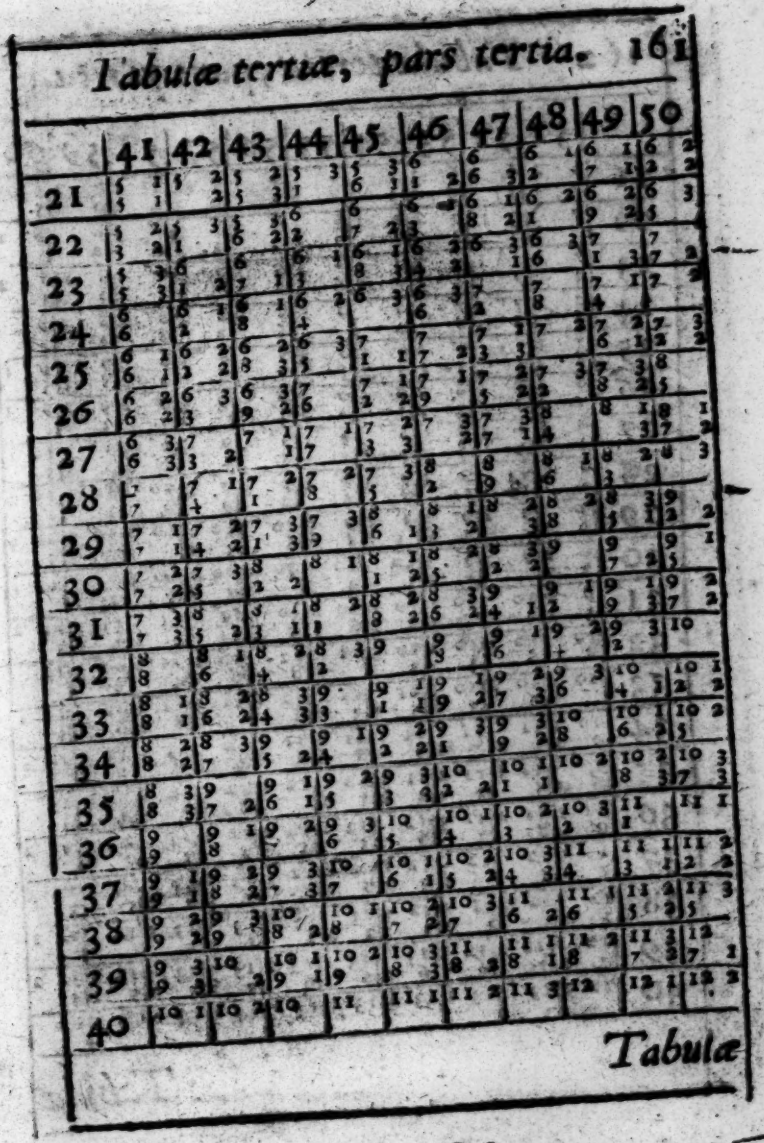
In Table 6





	41	42	43	44	45	46	47	48	49	50
1	1 1	1 2	1 3	1 4	1 5	1 6	1 7	1 8	1 9	1 10
2	2 2	1 2	2 2	2 2	2 2	2 3	2 2	2 4	2 5	2 6
3	3 3	1 3	2 3	3 3	3 3	3 4	3 5	3 6	3 7	3 8
4	1 1	1 2	1 3	1 4	1 5	1 6	1 7	1 8	1 9	2 10
5	1 1	1 2	2 3	1 5	1 6	1 7	2 8	3	1 3	3 5
6	1 2	1 3	1 4	2 6	1 7	2 9	2	2	2 5	2 7
7	1 3	1 3	1 5	1 7	1 8	3	2	2	4	2 6
8	2 2	2 4	2 6	2 8	2	2	4	4	2 8	2	2
9	2 1	2 4	2 6	3 9	2	2	5	3	3	3 5	2
10	2 2	2 5	2 7	2	3	2	7	3	4	2	2
11	2 3	3 5	2 8	3	3	3	9	4	3 7	3	3
12	3 3	3 6	3 9	3 2	3 5	3 8	1	4	3	3	2
13	3 1	3 6	3 9	3 3	3 6	3 9	2	4	3	4	2
14	3 2	3 7	3	3 4	3 7	4 1	4	4	4	4	2
15	3 3	3 7	4 1	4 5	3 8	4 2	4	4	5	4	2
16	4 4	4 8	4 2	4 6	4	4	4	5	5	5	2
17	4 1	4 8	4 2	4 7	2	4 1	4 5	5	5	5	2
18	4 2	4 9	4 3	4 8	3	5 2	5	5	5	5	3
19	4 3	4 9	5	5	5	5	5	5	6	6	3
20	5 5	5	5 5	5	5	5	5	5	6	6	4

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2	2 5 2	2 6	2 6 2	2 7	2 7 2	2 8	2 8 2	2 9	2 9 2	3
3	3 8 1	3 9	3 9 3	1 2	1 1 1	1 2	1 2 3	1 3 2	1 4 2	1 5
4	1 1	1 2	1 3	1 4	1 5	1 6	1 7	1 8	1 9	1 1 2
5	1 3 3	1 5	1 6 1	1 7 2	1 8 3	1 1	1 1 2	1 2 3	1 3 3	1 5 3
6	1 6 2	1 8 3	1 9 2	2 1	2 2 2	2 4	2 5 2	2 7	2 8 2	2 1
7	2 9 1	2 1 1	2 2 1	2 3 4	2 6 1	2 8	2 9 3	2 1 2	2 2 2	2 2 2
8	2 2	2 4	2 6	2 8	2 2 3	2 2	2 4 3	2 6 3	2 8 3	3
9	2 4 3	2 7	2 9	3 1	3 3	3 6	3 8 1	3 2	3 2 3	3 5 1
10	3 7 2	3 1	3 2	3 5	3 7 2	3 2	3 2 2	3 5	3 7 2	3 3
11	3 9 1	3 3	3 3	3 8	3 2 1	3 4	3 6 3	3 9 2	4 2	4 5
12	3 3	3 6	3 9	4 2	4 5	4 8	4 1 4	4 4	4 7	4 2
13	4 5 3	4 9	4 2 1	4 5 2	4 8 3	4 2	4 5 1	4 8 2	4 1 3	4 5 3
14	4 8 2	4 2	4 5 2	4 9	4 2 2	4 6	4 9 2	5 3	5 6 2	5 1
15	4 1 1	4 3	4 8 3	5 2	5 6 1	5 1	5 3 3	5 7 2	5 1 1	5 2
16	5 4	5 8	9 2 1	5 6 1	5 2	5 4 2	5 8	5 2 3	5 6 3	6
17	5 8 3	5 2	5 2 3	5 9 2	5 3 3	5 3	5 6 3	6 2	6 3	6 1
18	5 9 2	5 3	5 8 3	6 3	6 7 2	6 2	6 6 2	6 1	6 5 2	6 3
19	6 2 1	6 7	6 1 2	6 6 1	6 2 1	6 6	6 3 3	7 3	7 1	7 5
20	6 5	6 2	6 5 2	6 3	6 5	7 5	7 1	7 5	7 1	7 5



	41	42	43	44	45	46	47	48	49	50
21	5 5 / 5 1	5 2 / 2	5 2 / 5 3	5 3 / 1	5 3 / 6 1	6 / 1 2	6 / 6 3	6 / 2	6 1 / 7 1	6 2 / 2 2
22	5 2 / 3 2	5 3 / 1	5 3 / 6 2	6 / 2 2	6 / 7 2	6 / 3	6 1 / 8 2	6 2 / 1	6 2 / 9 2	6 3 / 5
23	5 3 / 5 3	6 / 1 2	6 / 7 1	6 1 / 3	6 1 / 8 1	6 2 / 4 2	6 3 / 1	6 3 / 6	7 / 1 3	7 / 7 2
24	6 / 6	6 1 / 2	6 1 / 8	6 2 / 4	6 3 /	6 3 / 6	7 / 2	7 / 8	7 1 / 4	7 1 / 7 2
25	6 1 / 6 1	6 2 / 3 2	6 2 / 8 3	6 3 / 5	7 / 1 1	7 / 2	7 1 / 3 3	7 2 /	7 2 / 6 1	7 3 / 3 2
26	6 2 / 6 2	6 3 / 3	6 3 / 9 2	7 / 6	7 1 / 2 2	7 1 / 9	7 2 / 5 2	7 3 / 2	7 3 / 8 2	8 / 5
27	6 3 / 6 3	7 / 3 2	7 1 / 1	7 1 / 7	7 2 / 3 3	7 3 /	7 3 / 7 1	8 / 4	8 1 / 3	8 1 / 7 2
28	7 / 7	7 1 / 4	7 2 / 1	7 2 / 8	7 3 / 5	8 / 2	8 / 9	8 1 / 6	8 2 / 3	8 3 /
29	7 1 / 7 1	7 2 / 4 2	7 3 / 1	7 3 / 9	8 / 6 1	8 1 / 3 2	8 2 / 3	8 2 / 8	8 3 / 5	9 / 1 2
30	7 2 / 7 2	7 3 / 5	8 / 2 2	8 /	8 1 / 1 2	8 2 / 5	8 3 / 2 2	9 / 2	9 / 7	9 1 / 2 5
31	7 3 / 7 3	8 / 5 2	8 1 / 3 1	8 2 / 1	8 2 / 8 2	8 3 / 6 2	9 / 4 1	9 1 / 2	9 2 / 9	9 3 / 7 2
32	8 / 8	8 1 / 6	8 2 / 4	8 3 / 2	9 /	9 1 / 8	9 2 / 6	9 3 / 4	10 / 2	10 1 / 2 2
33	8 1 / 8 1	8 2 / 6 2	8 3 / 4 3	9 / 3	9 1 / 1 2	9 2 / 9	9 3 / 7 3	10 / 6	10 1 / 4 2	10 2 / 2
34	8 2 / 8 2	8 3 / 7	9 / 5 2	9 1 / 4	9 2 / 2	9 3 / 1	10 / 9	10 1 / 8	10 2 / 6 2	10 3 / 5
35	8 3 / 8 3	9 / 7 2	9 1 / 6 1	9 2 / 5	9 3 / 3	10 / 3 2	10 1 / 2 1	10 2 / 1	10 3 / 8	11 / 3 7
36	9 / 9	9 1 / 8	9 2 / 7	9 3 / 6	10 / 5	10 1 / 4	10 2 / 3	10 3 / 2	11 / 1	11 1 /
37	9 1 / 9 1	9 2 / 8 2	9 3 / 7 3	10 / 7	10 1 / 6 1	10 2 / 5	10 3 / 4	11 / 4	11 1 / 3	11 2 / 2 2
38	9 2 / 9 2	9 3 / 9	10 / 8 2	10 1 / 8	10 2 / 7 2	10 3 / 7	11 / 6 2	11 1 / 6	11 2 / 5 2	11 3 / 5
39	9 3 / 9 3	10 / 2	10 1 / 9 1	10 2 / 9	10 3 / 8 3	11 / 8 3	11 1 / 8 1	11 2 / 8	11 3 / 7 3	12 / 7 1
40	10 1	10 2	10	11	11 1	11 2	11 3	12	12 1	12 2

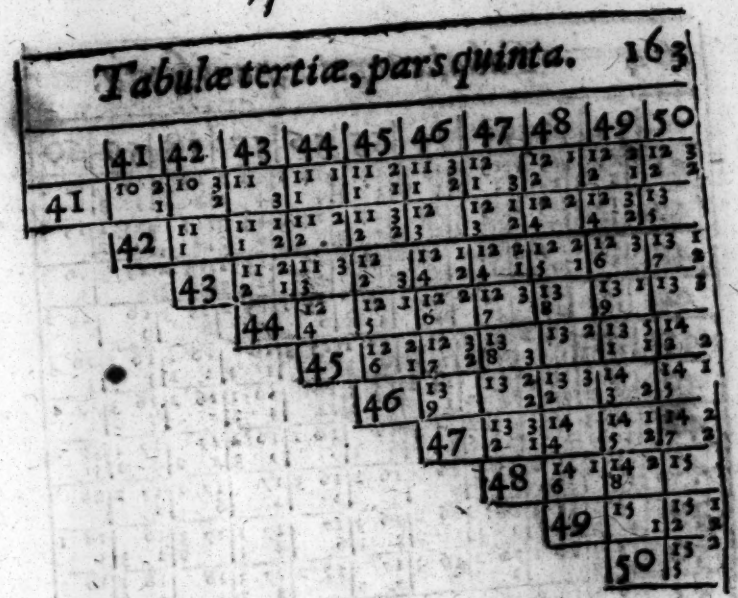
162 Tabulæ tertiæ, pars quarta.

	51	52	53	54	55	56	57	58	59	60
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22	7 2	7 6	7 1 1 / 2 7	7 1 2	7 2 2	7 2 8	7 3 3 / 2 9	7 3	8 4 2	8 1
23	7 1 3 / 1 1	7 1 9	7 2 4 / 3 1	7 3 2	7 3 6 / 1 2	8	8 7 3	8 1 3 / 2 9	8 1 9 / 1 5	8 2
24	7 2 6	7 3 2	7 3 8 / 4 4	8	8 1 6	8 1 2	8 2 8	8 2	8 3 4	9
25	7 3 8 / 3 3	8	8 1 1 / 7 1	8 1 2 / 3 3	8 2 8	8 3 6 / 5 1	8 3 9 / 2 2	9	9 3 3	9 1 5
26	8 1 1 / 2 8	8 1 4 / 2 1	8 2 1	8 3 7 / 2 4	9	9 1 2	9 1 7 / 2 7	9 2 3 / 3 2	9 3	9 3
27	8 2 4 / 1 1	8 3 3 / 3 3	8 3 4 / 4 2	9 1 1 / 1 8	9 1 4 / 3 1	9 2 4 / 3 1	9 2 9 / 3 1	9 3 3 / 3 1	9 3 8 / 3 1	10 5
28	8 3 7	9 1	9 1 8	9 2 5	9 3 2	9 3 9	10	10 1 3	10 2	
29	9 3 9	9 1 7 / 4 1	9 2 1	9 3 2 / 2 8	9 3 6	10 1 3	10 2 7 / 3 1	10 2 2	10 3 5	
30	9 2 2	9 3 7	10 3	10 1 2	10 2 7	10 2 7	10 3 5	11 2 2	11 1	
31	9 3 5 / 1 1	10 1 3	10 1 8 / 3 3	10 2 6	10 3 4	11 1	11 2 9 / 3 1	11 2 7	11 2 5	
32	10 8	10 1 6	10 2 4	10 3 2	11	11 1 8	11 1 6	11 2 4	11 3 2	12
33	10 2 3 / 3 9	10 2 7 / 1 1	10 3 1 / 5 2	11	11 1 3 / 3 3	11 2 2	11 3 1 / 3 2	12	12 1	
34	10 3 3 / 3 2	11 2	11 1 2	11 1 8 / 2 9	11 2 6	11 3 4 / 2 2	12 1 3	12 1 8 / 3 2	12 2 6 / 3 1	12 3 5
35	11 6 / 1 5	11 1 3	11 2 3 / 3 2	11 3 2 / 2 1	12 1	12 1 8 / 3 1	12 2 7 / 3 2	12 3 6 / 1 1	13 5	
36	11 1 9	11 2 8	11 3 7	12 6	12 1 5	12 2 4	12 3 3	13 2	13 1	13 2
37	11 3 1 / 3 1	12	12 1 1 / 3 1	12 1 9 / 2 1	12 2 8 / 3 1	12 3 8	13 7 / 1 1	13 1 6 / 2 1	13 2 5 / 3 1	13 3 5
38	12 4 / 2 4	12 1 4	12 2 3	12 3 2 / 2 2	13	13 1 2 / 2 1	13 2 1 / 2 1	13 3	14	14 1
39	12 1 7 / 2 7	12 2 6 / 3 1	12 3 6 / 3 1	13 1 6 / 3 1	13 2 6 / 3 1	13 3 5 / 3 1	14 5 / 2 1	14 1 5 / 3 1	14 2 5 / 3 1	15
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Tabulæ

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Tabulæ tertiæ, pars quinta. 163

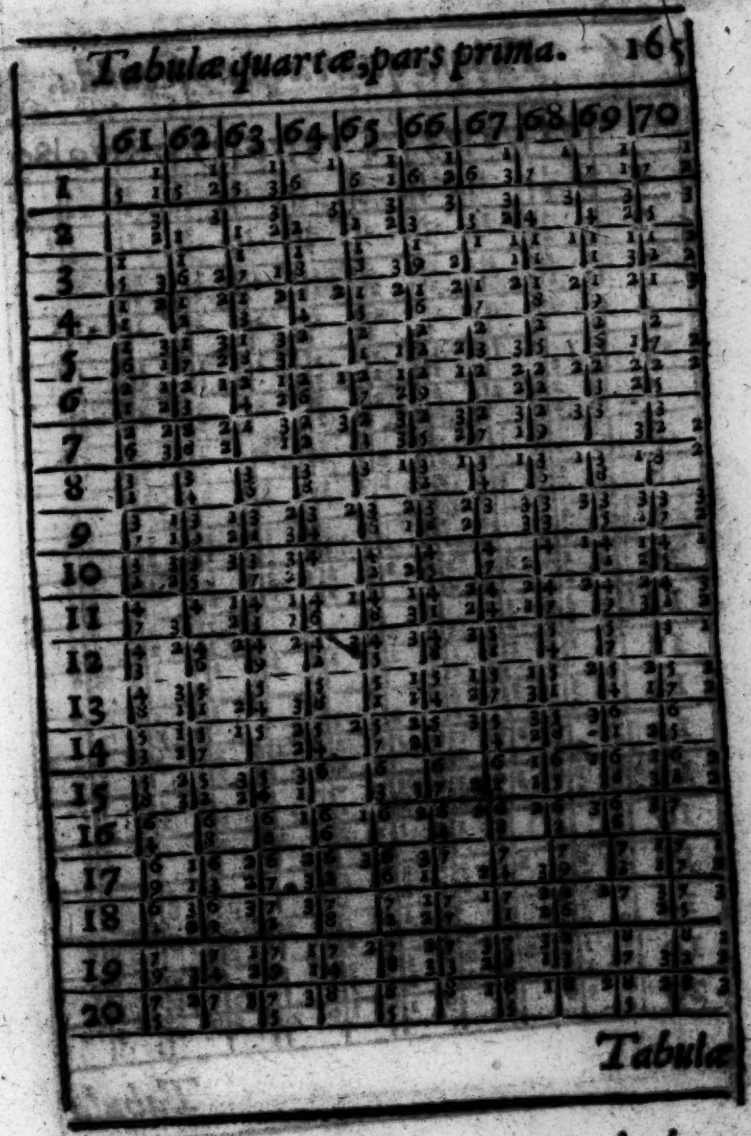


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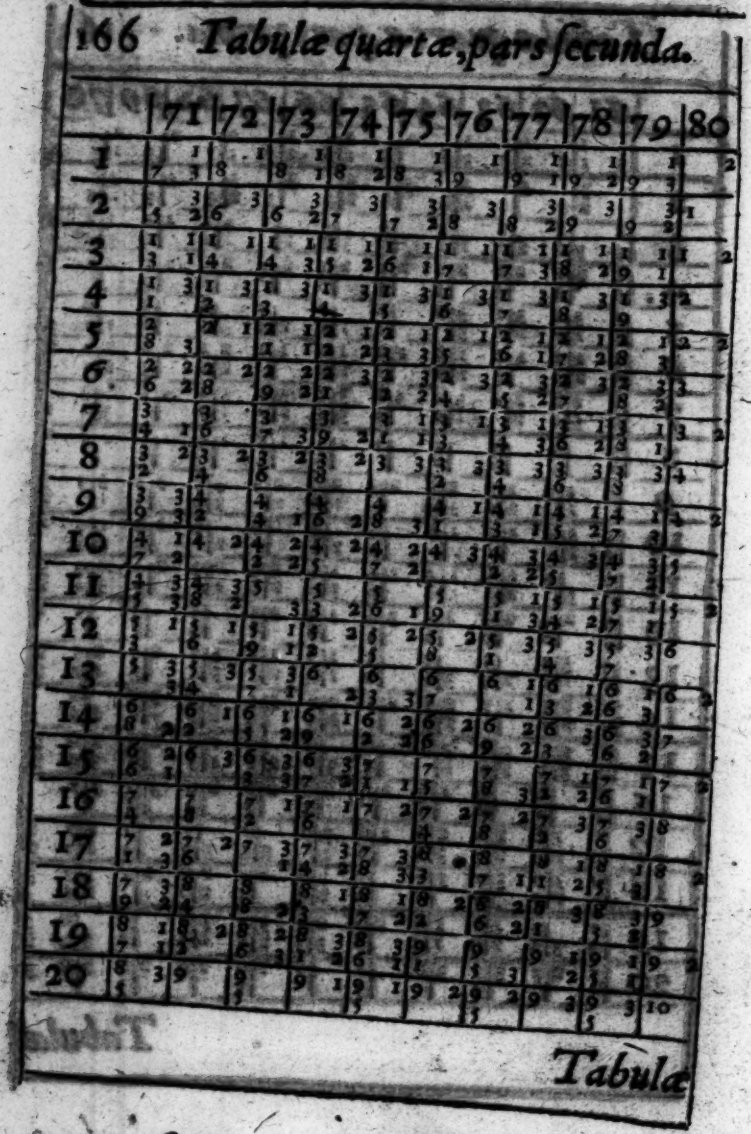


13

Tabulæ quartæ, pars prima. 165



Tabulæ

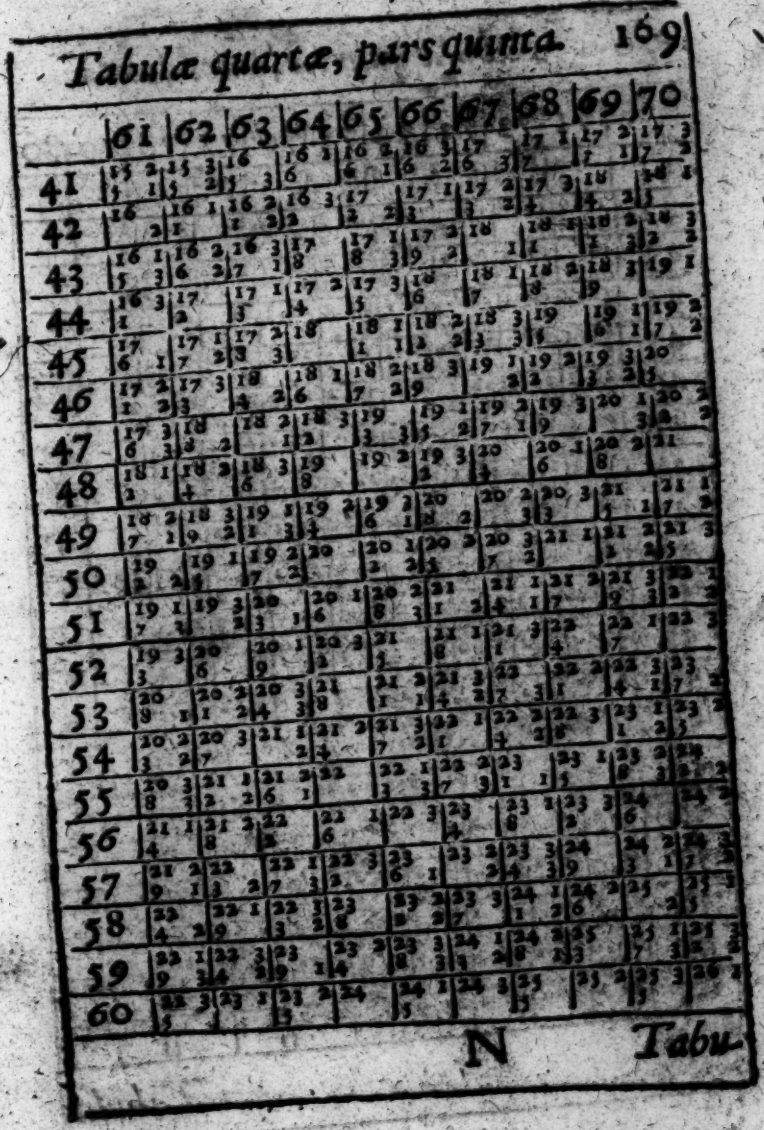


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3	1 1 3 1	1 1 4	1 1 4 3	1 1 5 2	1 6 1	1 7	1 7 3	1 8 2	1 9 1	2
4	1 3 1 1	1 3 2	1 3 3	1 3 4	1 3 5	1 3 6	1 3 7	1 3 8	1 3 9	2
5	2 8 3	2 1 1	2 1 1	2 1 2	2 1 3	2 1 5	2 1 6	2 1 7	2 1 8	2 2
6	2 6 2	2 2 8	2 2 9	2 2 1	2 3 2	2 3 4	2 3 5	2 3 7	2 3 8	2
7	3 4 1	3 6	3 7	3 9	3 1 1	3 1 3	3 1 4	3 1 6	3 1 7	3 2
8	3 2	3 2 4	3 2 6	3 2 8	3 3	3 3 2	3 3 4	3 3 6	3 3 8	4
9	3 9 3	4 2	4 4	4 6	4 8	4 1	4 1 3	4 1 5	4 1 7	2
10	4 7 2	4 2 4	4 2 5	4 2 7	4 2 8	4 3	4 3 2	4 3 5	4 3 7	1
11	4 5 3	4 3 8	5 3	5 3 2	5 3 6	5 1	5 1 3	5 1 4	5 1 6	2
12	1 1 3	1 1 6	1 1 9	1 2	1 2 5	1 2 8	1 3	1 3 4	1 3 7	6
13	3 3 3	3 3 4	3 5 7	3 6 4	2	6 3	6 3 7	6 1	6 1 3	6
14	6 8 2	6 1 2	6 1 1	6 1 2	6 1 9	6 2 2	6 2 3	6 2 6	6 2 9	3
15	6 6 1	6 3	6 3 3	6 3 7	7 2	7 1	7 1 3	7 1 6	7 1 8	7
16	7 4	7 6	7 2	7 1 6	7 1 7	7 2 4	7 2 8	7 3 2	7 3 6	3
17	7 2 1	7 2 3	7 3 4	7 3 2	7 3 8	8 3	8 1 7	8 1 1	8 1 5	8
18	7 3 9	8 2	8 2 3	8 1 7	8 1 2	8 2 6	8 2 1	8 3	8 3 4	9
19	8 7 1	8 2 2	8 2 6	8 3 1	8 3 6	9 1	9 3	9 2	9 2 5	9
20	8 5 3	9 1	9 1	9 1 3	9 1 7	9 2 1	9 2 5	9 3	9 3 5	10

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21	8 3 1	8 3 2	8 3 3	8 4 1 6	8 4 2 1	8 4 2 6	8 4 3 1	8 4 3 7	9 2 1	9 2 2
22	8 5 1	8 5 2 1	8 5 2 6	8 5 3 2	8 5 3 7	9 3	9 3 8	9 4	9 4 1 9	9 4 2 5
23	8 5 3 6	8 5 3	9 2 1	9 2 8	9 3 1	9 3 9	9 3 5	9 3 1	9 3 6	10 2 2
24	9 6	9 2	9 2 8	9 3 4	9 3	9 6	10 2	10 8	10 4	10 2
25	9 2 1	9 3 7	9 3 3	10	10 6 1	10 2 2	10 8 3	10 5	10 3 1	10 3 7
26	9 6 3 2	10 3	10 9 2	10 1 6	10 2 2	10 2 9	10 3 5	11 2	11 3	11 1 5
27	10 1 3	10 2 8	10 3 5	10 3 2	10 3 8	11 5	11 1 2	11 1 9	11 2 5	11 3 2
28	10 2 7	10 3 4	11 1	11 8	11 1 5	11 2 2	11 2 9	11 3 6	11 3	11 4
29	11 2 1	11 9 2	11 3 6	11 4	11 3 1	11 3 8	11 4 5	11 5 3	11 5	11 5 2 1 7
30	11 1 7 2	11 2 5	11 2 2	11 3	11 3 7	11 4 5	11 4 2	11 4 3	11 4 7	11 5 5
31	11 3 2 3	11 4 2	11 4 8 1	11 5 1 6	11 5 2 3	11 5 3 1	11 5 3 9	11 6 1 7	11 6 4	11 6 2 5
32	11 8	11 6	11 6 4	11 6 2	11 7	11 7 8	11 7 6	11 7 4	11 7 2	11 8
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34	11 8	11 9 7	11 9 5	11 9 4	11 9 2	11 9 1	11 9 9	11 9 8	11 9 6	11 9 5
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36	11 9	11 9 8	11 9 7	11 9 6	11 9 5	11 9 4	11 9 3	11 9 2	11 9 1	11 9
37	11 9 4	11 9 3	11 9 2	11 9 2	11 9 1	11 9 1	11 9 9	11 9 9	11 9 8	11 9 7
38	11 9 0	11 9 9	11 9 8	11 9 8	11 9 7	11 9 7	11 9 6	11 9 6	11 9 5	11 9 5
39	11 9 4	11 9 4	11 9 4	11 9 4	11 9 3	11 9 3	11 9 3	11 9 3	11 9 2	11 9 2
40	11 9	11 9	11 9	11 9	11 9	11 9	11 9	11 9	11 9	11 9

16

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22	9 3 6	9 3 6	10 1 2	10 1 7	10 2 2	10 2 3	10 2 3	10 3 4	10 3 5	10 3 6
23	10 1 1	10 1 2	10 1 9	10 2 5	10 2 1	10 3 7	11 1 3	11 2 9	11 3 4	11 3 2
24	10 3 6	10 3 8	10 3 9	11 1 4	11 1 8	11 2 2	11 2 4	11 2 6	11 3 4	11 3 8
25	11 1 3	11 2 1	11 2 5	11 2 9	11 3 5	11 3 1	12 1 2	12 1 3	12 2 3	12 2 4
26	11 2 2	11 2 8	11 3 2	12 1 7	12 1 2	12 2 7	12 2 7	12 3 5	12 3 2	12 3 8
27	11 3 9	12 1 6	12 1 9	12 2 1	12 2 3	12 3 6	12 3 6	13 1 2	13 1 3	13 2 4
28	12 1 7	12 2 4	12 2 1	12 2 8	12 3 7	13 1 5	13 1 9	13 2 5	13 2 1	13 3 4
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39	15 3 2	16 1 9	16 1 5	16 2 1	16 2 7	16 3 3	17 1 9	17 2 5	17 3 2	18 1 8
40	16 1 1	16 1 7	16 2 3	16 2 9	16 3 5	17 1 1	17 1 7	17 2 3	17 3 1	18 1 7



170 Tabulæ quartæ, pars sexta.

	71	72	73	74	75	76	77	78	79	80
41	18 3 7 3	18 1 8	18 2 8 1	18 3 8 2	19 8 3	19 1 9	19 2 9 1	19 3 9 2	20 9 3	20 2
42	18 2 5 2	18 3 6	19 6 2	19 1 7	19 2 7 2	19 3 8	20 8 2	20 1 9	20 2 9 2	21
43	19 3 3 1	19 1 4	19 2 4 3	19 3 5 2	20 6 1	20 1 7	20 2 7 3	20 3 8 2	21 9 1	21 2
44	19 2 4	19 3 2	20 3	20 1 4	20 2 5	20 3 6	21 7	21 1 8	21 2 9	22
45	19 3 8 3	20 1	20 2 1 1	20 3 1 2	21 3 3	21 1 5	21 2 6 1	21 3 7 2	22 8 3	22 2
46	20 1 6 2	20 2 8	20 3 9 2	21 1	21 2 2	21 3 4	22 5 2	22 1 7	22 2 8 2	23
47	20 3 4 1	21 6	21 1 7 3	21 2 9 2	22 1	22 1 3	22 2 4 3	22 3 6 2	23 3 1	23 2
48	21 1 2	21 2 4	21 3 6	22 8	22 2	22 3 2	23 4	23 1 6	23 2 3	24
49	21 2 9 3	22 2	22 1 1	22 2 6 2	22 3 8 3	23 1 1	23 2 3 1	23 3 5 2	24 7 3	24 2
50	22 7 2	22 2	22 3 2 2	23 3	23 1 7 2	23 3	24 2	24 1 5	24 2 7 2	25
51	22 2 5 1	22 3 8	23 1 3	23 2 3 2	23 3 6 1	24 9	24 2 1	24 3 4 2	25 7 1	25 2
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53	23 2 3	23 3 4	24 7 1	24 2 2	24 3 3	25 7	25 2 1	25 3 3 2	26 6 3	26 2
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59	26 7 1	26 2 2	26 3 6 3	27 1 1 2	27 2 6 1	28 1	28 1 5 3	28 3 2	29 5 1	29 2
60	26 2 5	27	27 1 5	27 3	28 5	28 2	28 3 5	29 1	29 2 5	30

Tabulæ

	61	62	63	64	65	66	67	68	69	70
61	23 1 1	23 2 5 2	24 3	24 1 6	24 3 1 1	25 6 2	25 2 1 3	25 3 7	26 1 2 1	26 2 7 2
62	24 1	24 1 6 2	24 3 2	25 7 2	25 2 3	25 3 8 2	26 1 4	26 2 9 2	27 5	
63	24 3 2 1	25 8	25 2 3 3	25 3 9 2	26 1 5 1	26 3 1	27 6 3	27 2 2 2		
64	25 2 4	26	26 1 6	26 3 2	27 8	27 2 4	28			
65	26 1 6 1	26 3 2 2	27 8 3	27 2 5	28 1 1	28 1 7 2				
66	27 9	27 2 5 2	28 2	28 1 8 2	28 3 5					
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63	27 3 8 1	28 1 4	28 2 4 3	29 5 2	29 2 1 1	29 3 7	30 1 2 3	30 2 8 2	31 + 1	31 2
64	28 1 6	28 3 2	29 8	29 2 4	30	30 1 6	30 3 2	31 8	31 2 +	32
65	28 3 3 3	29 1	29 2 6 1	30 2 2	30 1 8 3	30 3 5	31 1 1	31 2 7 2	32 3 2	32 2
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67	29 2 9 1	30 6	30 2 3 4	30 3 2	31 1 6 1	31 3 3	32 9 3	32 2 6 2	33 3 1	33 2
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70	31 2 2	31 2	31 3 7 2	32 1 5	32 3 2 2	33 1 7	33 3 2	34 1	34 2 2	35
71	31 2 1	31 3 8	32 1 5 3	32 3 3 2	33 1 1 1	33 2 9	34 6 3	34 2 + 2	35 2 1	35 2
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73	33 2 1	33 3 2	34 9 3	34 2 7	35 5 1	35 2 3	36 1 3	36 2		
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Bayly.

Tho Tabb 2nd 200

Bay. Surely this is a necessarie booke for him that is imployed in matters of great quantitie. For if it should bee all cast vp with the pen, it would aske much labour, and waste much paper: and yet I know, simple Countrey fellowes will cast it vp very speedily, euē by their memories, by money; as one penny to a Perch, foure perches to a day-worke, ten day-workes one Rode, foure Rode one Acre, three shillings foure pence, is fortie pence, and forty Perches, one Rode, one hundred & threescore pence, make thirteene shillings and foure pence, or a Marke of money, and one hundred and threescore Perches one Acre. So that twenty pound makes thirtie Acres, fortie pound threescore Acres, a hundred pound one hundred and fiftie Acres; and so forth. But this kinde of casting is troublesome, when it riseth to great portions, and many parcels. And therefore for my part, I could willingly imbrace these tables for my ease, and leaue this accompt by money, vnto such as haue not the vse of learning to ayde their memories.

Countrey land measurers will cast by memory.

Casting by the parts of money.

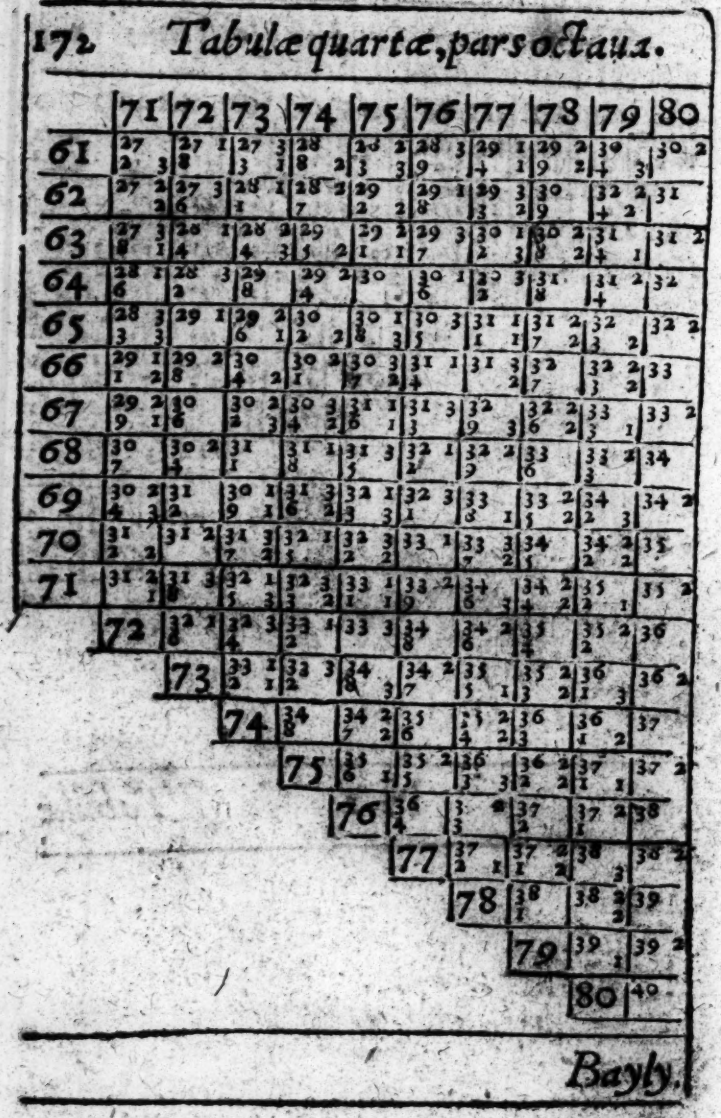
Sur. I haue obserued, that many vnlearned men haue better and more retentiue memories, then haue some Schollers.

Bay. So haue I noted, and I know some, that will by memorie do very much, and no doubt, the reason is, because Schollers doe commit their memories to the pen; where such as haue not the vse of the pen, must vse the memorie only, which being fed with continuall pondering the things they delight in, becomes as a Calender of their accounts. King Cirus could name al his souldiers by memory. And Pliny reporteth of Mithridates, that hauing vnder his government 22. kingdomes, or nations, could speake all their langua-

All Schollers haue not best memories.

Admirable memories of some great persons.

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Hic Tabb ends

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Admirable memories of some great persons.

ges, and vnderstand my tongue without an interpreter. Cyrus Scipio could remember the names of the Souldiours of all the Romane armie.

Sur. Vse memory, & haue the vse of memory, either Schollers or vnlearned; if they vse not their memories, they cā make little vse of their memories. On the other side, he that imprinteth too many things in his memory, shal, & some haue oftetimes wished, they could not remember so well, & that they had the art of forgetting, to cleare the memory of ỹ they would not retaine in memory: for many times a fresh & free memorie heapeth vp so many things in his thought, that it breedeth such cōfusion, that what it should indeed retaine, is oftē cōfounded with that which it would forget.

Some would forget, and cannot.

Bay. I wish therefore that my memorie could retaine according to occasion, to forget things whereof I haue no necessarie vse, and to remember things expedient: yet surely, although the thought can apprehend but one obiect at one instant, the memorie may well apprehend and retaine many things. But Sir: omitting this, I entreat you to shewe mee the vse of these Tables which you haue shewed me.

Sur. The vse is very plain & easie: propoūd you a nūber of perches, the lēgth & bredth of a groūd.

The vse of the former Tables.

Bay. If a peece of ground be in length fiftie two Perches, and in bredth twenty fiue, where, and how shall I finde the content in the Tables?

Sur. Looke the third Table, the fourth part of the Table, in the vpper ranke, whereof in the third Collum, you shall finde 52. then looke in the first Collum for 26. then referre your finger and eye towards the right hand, till you come right vnder 52. and that square answereth the content to be thus [8 5]

Bay.

Bay. What meane you by putting the figures in the angles of the square?

Sur. Because the 4. angles doe demonstrate the acres & parts of an acre. The vpper angle on the left hand sheweth the Acres, the vpper angle on the right hand, the roodes; the lower angle on the left hand, the day works, and the lower angle on the right hand, the odde perches.

Bay. This is very easie. But I see there are no figures in the 2. angles on the right hand, neither aboue nor below.

Sur. When it falleth so out, that there are none of the denominations found in the number, then his place is left blanke.

Bay. Then this aboue said quantitie is 8. acre and 5. day-works, which is twenty perches, and twenty perches is $\frac{1}{2}$ Roode.

Sur. You are right.

Bay. Then if the number of perches bee lesse, I must seeke them in the lesser Tables; if greater, in the greater.

Sur. You must do so.

Bay. Yet there resteth one scruple in my mind, which if it should happen before I bee resolued, would breed a great doubt, and therefore I am bold to aske it. That is, if the length of a ground be more perches, then is expressed in any of the Tables, how shall I find it, when no Table reacheth so farre?

How to finde the quantity, when the number of perches exceede any table in the booke.

Sur. You doe well to cast all doubts. If the length be more then the tables will yeeld, whereof indeed the most is foure score perches: Take first 80. perches, out of the whole summe, and then seeking the bredth in the Table as before is shewed, you shall finde the content of that part. Then if the bredth be more then the remanent of

the length, let the bredth bee the length, and the remanent of the length, the bredth. And seeke them likewise in the Table, and what ariseth of both the numbers, adde together: As for example: A ground is 119. perches in length, and 67. in bredth; the whole length is not in the Tables to bee found: then I find 80. and that is the length, and 67. the bredth, which the Table sheweth to be 33-2-0-0. There remaineth of the whole length 39. which is a lesser number then the bredth; therefore I make 39. the bredth, and 67. the length, which the Table sheweth to bee 16. 1-3-1. which added to the first number 33-2-0-0. maketh in the whole 49-3-3-1.

Boy. I see, this Table will serue for the finding of the quantitie of any summe, and I vnderstand it well. But I pray you what Table is that you haue here?

Sur. A necessarie Table for some purposes. It sheweth how to lay out a iust Acre of land, the length, or bredth being giuen.

Boy. Indeede it is a necessarie Table for euery man can not vpon the suddaine: for I take, it is very hard without Arithmeticke, to lay out a iust acre to euery length or bredth.

Sur. This can indeed hardly be done by gesse, it requireth arte.

Boy. This is the Table, I pray you shewe me the vse of it.

When ye Acre of Ground doth containe 4 = Perches in bredth then must it containe 40 in length; Then how much shall ye length of an Acre bee, when there is in ye bredth 13 Perches for wch & ye like, - look in this Table.

Sur. The vse of this Table is onely to be required, when a man is suddenly to set fourth an acre of land lymited in length or bredth, how far it shall extend. As for example. There is a peece of land containing many acres, and there are to be set out of this 1. 2. 3. 4. or more acres. First, the length must be considered. If the length be 77. perches: finde that in the first Collum of the Table, and right against it, you shall finde the bredth to be two perches, 1. foot, 4. inches, which maketh an acre.

Bay. But where you say, I shall finde the length in the first Collum of the Table, it is in the head of the Collum noted for the bredth.

Sur. It is so in deed: for that Collum may be reputed to containe both the length and bredth.

Bay. How can that be?

Sur. Vntill the bredth do exceed the length, it may be saide the Collum of bredth. But when the bredth surmounteth the length, the length may be said the bredth.

Bay. I vnderstand you: reason will obserue that, without serious instruction. But this Table, I see, extendeth but to the length and bredth of one acre: if a man bee occasioned to lay out more, he is as farre to seeke, as if he had no Table at all.

Sur. Not so: for if you obserue it, you are to double, treble or quadreble, the length or bredth, as you haue occasion. As for example: If you would lay out 3. Acres, and admit your length be 48. perches, which to make one Acre, is to haue in bredth 3. perches, and a quarter, 1. foote and foure inches, which three perches, 1. foote, and $\frac{1}{3}$ being taken three times, make nine perches, $\frac{1}{4}$ and foure foote. And thus of

How to lay out more acres by the former Table.

The vse of the former Table.

length

length and bredth, how many Acres soeuer are to be set out.

Perches diuers in diuers Countreys.

Bay. I see in deed, this Table may serue by due obseruation for the laying out of any quantitie. But now Sir, there is one thing which will breed some difficulty: for the difference of the quantities of Acres, is great in diuers Countries, by the custome of the Countreys: for by the custome of some Countryes, their measure is 24. foote to the Pole, in some 20. in some 18. and yet the statute allowth onely $16\frac{1}{2}$ foote.

Sur. You say truely. Yet, when a *Surueyor* vndertaketh to lay out the land in any of these, he is to measure it by the standard chaine: that is, by the chaine of $16\frac{1}{2}$ foote.

Bay. But the Country people, peraduenture will be obstinate, & will haue the custome measure, because they will haue the content of their land seeme the lesse: and so shall they rent their ground the more easily, hauing it by the greater measure.

A Cornish Acre.

Sur. That is but a conceit that they shal haue it the cheaper: for admit that an acre were as big as the *Cornish acre*, neere 140. statute Acres: will any man thinke a Lord or his officers so simple as to grant the same, because it hath but the name of an acre, as he would let the statute Acre? It is nothing to the Lord what measure they take: for he must, & will apportion the price, according to the quantity and qualitie, bee the Acre great or little.

The great or small measure all one to the Lords.

Wood measure.

Bay. But woods are alwayes measured with the Pole of 18. foote.

Sur. It is as the Buyer and Seller agreeth: for there is no such matter decreed by any statute, neither is any bound of necessitie.

Bay.

Bay. Why is it then in vse?

Sur. I take it, because in vnderwoods, (for they are they that are thus measured) for sale they haue in many places, sundry void places & galles, wherein groweth little or no wood, or very thin. And to supply these defects, the buyer claymeth this supply by measure.

Why woods are measured with the 18 foote pole.

Bay. The difference is but a foote, and $\frac{1}{2}$ in a pole, which is nothing.

Sur. Yes, it is some thing, for in euery $5\frac{1}{2}$ Acre, it gayneth aboue an Acre.

Great difference betweene the 18. and $16\frac{1}{2}$ pole.

Bay. So might I haue beene deceiued. For truely, I did not thinke it had gotten so much. But I pray whence is the word Acre deriued?

Sur. As I take it, from the Latine word, *Actus*, A deede: a dayes worke of a plowe, in tilling the ground.

Whence an Acre taketh name.

Bay. It may be so. For a plow will tyre an Acre a day.

Sur. We reade in 1. Sam. 14. 14. that halfe an Acre of land was as much as 2. oxen could plow; And that is it which the *Burgundians*, & others in *France* doe call *Iournaux*, which I take, is as much as *Iugerum* in Latine, which containeth as much, as two Oxen or Horse can till in a day: in length 240. foote, and in bredth 120. which seemeth neere to agree with our Acre.

160
18
1280
160
2880
160
2
16

Bay. We haue 4. or 5. horses, or 2 or 3. yoke of Oxen to till an Acre a day, where the former Iugerum hath but 2. But the French haue another kinde of Acre, which they call an Arpent, which amongst them differeth in quantity, as ours doe differ in seuerall kindes of Poles: And their Arpent is 100. Pole, howsoeuer the Poles do differ. One Pole they haue, which containeth 22. foote, and that is called The Kings Arpent, and

An Arpent, or French Acre.

The kings Arpent.

6 — 30 = 5 & ½ of 12

— 0 & Anos of 16 ½ 64

and vſed moſt in meaſuring of wood: another of 20 foote, another of 19 $\frac{1}{3}$ foote, another of 18. foote. So that in deede, their Arpent doth little differ in his ſeuerall quantitie, from our Acre.

Sur. I obſerue one thing by the way, becauſe you ſpeake of *the Kings Arpent* in *France*, and other meaſures there, I haue ſeene in ancient Records, and bookes of *Suruey* of great antiquitie, which doe ſhewe, that the *Lords demeiſnes* were meaſured with a Pole of 20. foote, which was called *maior menſura*, & the cuſtomary by a Pole, called *menſura minor*: which I take to bee but 16 $\frac{1}{2}$ foote, though in ſome places the Tenants claime the 18. foote Pole.

Maior & minor menſura.

Bay. Then, let me aſke you another queſtion: You ſhall ſhortly come into a Manno^r of my Land-lords, where the Coppes doe ſpeake of an Acre ware, or warr: which I neuer could finde, or heare what it truely meant, nor what quantitie it containeth. But the Tenants make good vſe, in their conceites, of the name: for vnder that title, they will carry away 2. 3. 6. 10. Acres, though they lie in 20. parcels, it is all but an Acre warr: and yet I haue ſeene ſome, vnder that title not 3. Rodes of ordinary meaſure. Howe comes it to paſſe, thinke you?

Sur. To ſpeake truely, I cannot preciſely tell you: for I haue ſeene the like, eſpecially in *Suff. Norff. and Eſſex*: But as I coniecture, it is a meaſured acre, as an Acre by warrant. *Acre warre*, an approued Acre: and the true fence being loſt by time, they make it like a finger of waxe, to drawe it more or leſſe, as will beſt ſerue their purpoſe.

Bay. I haue alſo ſeene Land, vnder the name of Molland, and I haue heard much diſputation about the etimon of the word: ſome holde it to

Molland.

be

de de Mollendo, of cuſtome grinding at the Lords mill. Some otherwiſe, and leaue it vncertaine.

Sur. There is no difficultie in it: for *Molland* is vp-land, or high ground, and the contrary is *Fenland*, low groũd, a matter ordinary, where they vſe to diſtinguiſh betweene theſe two kindes. But we will leaue theſe ambiguous words, and ſo take my leaue, and betake me to my taske.

Molland and Fenland contrary.

Bay. Sir, I will not be troubleſome vnto you: onely, when you haue caſt vp your particulars, and finiſhed your buſineſſe of this Suruey, I will bee bold to trouble you againe, to ſee what euery man holdeth, and the value both of the cuſtomary leaſed lands, and the Lords demaynes. May I be ſo bold?

Sur. It is a thing which I ſeldome conſent vnto; for I muſt tell you this, he is no true Surueyor for the Lord, that will make the ſame knowne to ſtrangers. I haue vndertaken the buſines for the Lord, not for ſtrangers: And as he putteth me in truſt, ſo will I bee ſecret in theſe things, & therefore I pray you in this pardon me.

A Surueyor muſt be ſecret for his Lord.

Bay. You ſhewe me reaſon, and I was to raſh. But by your leaue, how ſhall the Iurie giue their allowance to your doings (as you ſay, you will acquaint them with them) vnleſſe you deliuer euery particular playnly?

Sur. You muſt thinke, there are ſome things which may be publique, as the names of grounds, the owners, their eſtates, buts, bouds, & ſuch like, & their anſwers to the Articles; And ſome things priuate, & to be concealed, as the quantities, and ſuppoſed yeerely values. Theſe are for the Lord.

Bay. I thought I ſhould haue ſeene the whole method of your collections and obſeruations, to the end, that ſeeing I haue waded thus farre in-

to

to the Art, I might be somewhat instructed, how to haue marshtaled and ingrossed my Booke, when such a worke were done.

Sur. Euery man in that case, may vse his owne method: yet if you bee desirous to see an exact course, in that kinde, I must referre you to the most commendable worke of Master *Valentine Leigh*, whom in that if you imitate, you shal tread the right way to the marke.

M. Leas booke of Surueying.

Bay. Then, I shall onely remaine thankefull vnto you, for your patience, and paynes: and bee studious euermore, to doe you any seruice.

Sur. I thanke you. I haue a desire to haue some communication with you, when I haue past ouer this little worke in hand.

Bay. Willingly, Sir, I will giue my diligent attendance. But I pray you, Sir, in what especially do you purpose to conferre with me? to pose me, I feare, whether I haue forgotten that you taught me.

Sur. Not so: but you being Bayly of this Manor (about which I haue, as you see, taken a serious perambulation) haue not, as I perswade me, bene so carefull & prouident for the Lords profit, as you may: for there bee diuers grounds, which good and industrious husbandry would be much bettered, as I will tell you further, at our next leasurable meeting. For this time, fare you well.

The end of the fourth Booke.

The Surueiors Dialogue, shewing the *different natures of Grounds, how they* may be imployed, how they may be bettered, reformed, and amended.

* * *

THE FIFT BOOKE.

Baily.

I Perceiue, Sir, you are now at some leasure, you are walking abroad to take the ayre, after your long and tedious sitting, and I thinke indéede you are weary.

Sur. I am somewhat wearie: but a man that vndertaketh a businesse, must apply it, and not be wearie, or at least, not seeme to be so.

Baylie. But mée thinkes you apply it too hard, you might sometimes ease you, and giue your selfe to some game for recreation.

Sur. They that are idle, may take their pleasures in gaming: but such as are called to liue by their labors, and haue a delight therein, doe (as all men ought) take pleasure, and thinke it a pleasing sport, to get meanes by their lawfull labours to liue.

Labour that lawfully gets is a game of delight.

Baylie. You say truth indeede: for the olde Prouerbe is, Dulcis labor cum lucro. But I pray you, whither walke you?

Sur. Into this next peece of ground.

Baylie. Nay, it is an ill ground to walke in: for it is full of bogges, a very mosish plot, ouercome with weedes, and indeede, is of no vse.

Sur. I therefore goe to see it, and worthely to attach you the Lords Baily, of remisnesse and negligent looking vnto the Lords profite, suffering such a peece of ground as this, to lye idle and waste, and to foster nothing but Bogges, Sedges, Flagges, Rushes, and such superfluous and noysome weedes: where, if it were duly drayned, and carefully husbanded, it would make good meddow in short time.

* * *

Baylie. I thinke that impossible: for there bee many such plots you see in this leuell, and in many mens occupations, and some of them thinke themselues good husbands, I can tell you: and they see, that it is a matter of difficulty and charge, and therefore they thinke, and so doe I, that it is to no purpose to begin to amend it.

Sur. I thinke they haue more land, then they, or you haue experience how to conuert to best vse, they their owne, and you your Lords.

Baylie. If you be so skilfull, I pray tell mee for the Lords profite, how it may be amended.

Sur. If you be ignorant how to amend it, and simply desire to learne, it were a fault in mee to conceale from you the meanes how to doe it. But if you be careless or wilfull, it were good to leaue you in your ignorance, and to informe the Lord of your vnfitnesse, that a more skilfull might take the place.

Baylie. That is the worst that you can doe. But I trust I may be a Baylie good enough, and yet want one part of that, which my place requireth to performe.

Sur.

Sur. Euen as well as a horſe may be ſaid to trauaile well enough, and yet lacke one legge.

Baylie. I would be ſory, that compariſon ſhould hold: for then I could not but confeſſe, that I were a lame Officer, as there be in other kinds, euen of your owne profeſſion many. But I am not onely not wilfull, but I am willing to learne: and I doe not thinke any man ſo abſolute in his place and calling, but he may learne ſome poynt of his function, if at leaſt he will confeſſe his owne imperfections

All men may learne.

Sur. Whether he verbally confeſſe them or not, the execution will bewray them, and the world will obſerue them in him by the fruites. And therefore it behoueth all ſuch as vndertake, and enter into any office or function, to examine the duties appertaining to ſuch an office: and finding his fitneſſe or vnfitneſſe, to performe it, ſo to leaue or take, (though few ſtagger at any: If his abilitie be weake, reaſon and dutie may mooue him to ſeeke expedient knowledge, leaſt he ſhame himſelfe, and ſlaunder the place he is in, deceiue his maſter, and wrong the people. And therefore I wiſh you to aske aduice, not onely in this caſe, but in all other belonging to your charge. For as it is commendable to know more and more: ſo is it no ſhame to aske often.

Baylie. I pray you then tell mée, Sir, how muſt this péece of ground be handled, to be made meddow (as you ſay it will be made) or good paſture.

Sur. It muſt be drayned.

Bayly. If that be all, I thinke, I can ſay it is to little purpoſe: for I haue made trenches to that end, as you may ſee where, and how. But it became little or nothing the better, and therefore I thinke, coſt will be but caſt away vpon it.

Sur. It is a true Prouerbe: *Ignorance is an enemie to art and experience.* What you did, it may be, you had good will to doe the Lord ſeruice in it: but the courſe you

Ignorance enemie to art.

Baylie. You say truth indeede: for the olde Prouerbe is, Dulcis labor cum lucro. But I pray you, whither walke you?

Sur. Into this next peece of ground.

Baylie. Nay, it is an ill ground to walke in: for it is full of hogges, a very mowrish plot, ouercome with weedes, and indeede, is of no vse.

Sur. I therefore goe to see it, and worthely to attach you the Lords Baily, of remisnesse and negligent looking vnto the Lords profite, suffering such a peece of ground as this, to lye idle and waste, and to foster nothing but Bogges, Sedges, Flagges, Rushes, and such superfluous and noysome weedes: where, if it were duly drayned, and carefully husbanded, it would make good meddow in short time.

Baylie. I thinke that impossible: for there bee many such plots you see in this leuell, and in many mens occupations, and some of them thinke themselues good husbands, I can tell you: and they see, that it is a matter of difficulty and charge, and therefore they thinke, and so doe I, that it is to no purpose to begin to amend it.

Sur. I thinke they haue more land, then they, or you haue experience how to conuert to best vse, they their owne, and you your Lords.

Baylie. If you be so skilfull, I pray tell mee for the Lords profite, how it may be amended.

Sur. If you be ignorant how to amend it, and simply desire to learne, it were a fault in mee to conceale from you the meanes how to doe it. But if you be careleſse or wilfull, it were good to leaue you in your ignorance, and to informe the Lord of your vnfitnesse, that a more skilfull might take the place.

Baylie. That is the worst that you can doe. But I trust I may be a Baylie good enough, and yet want one part of that, which my place requireth to performe.

Sur.

Sur. Euen as well as a horſe may be ſaid to trauaile well enough, and yet lacke one legge.

Baylie. I would be ſory, that compariſon ſhould hold: for then I could not but confeſſe, that I were a lame Officer, as there be in other kinds, euen of your owne profeſſion many. But I am not onely not wilfull, but I am willing to learne: and I doe not thinke any man ſo abſolute in his place and calling, but he may learne ſome poynt of his function, if at leaſt he will confeſſe his owne imperfections

All men may learne.

Sur. Whether he verbally confeſſe them or not, the execution will bewray them, and the world will obſerue them in him by the fruites. And therefore it behoueth all ſuch as vndertake, and enter into any office or function, to examine the duties appertaining to ſuch an office: and finding his fitneſſe or vnfitneſſe, to performe it, ſo to leaue or take, (though few ſtagger at any: If his abilitie be weake, reaſon and dutie may mooue him to ſeeke expedient knowledge, leaſt he ſhame himſelfe, and ſlaunder the place he is in, deceiue his maſter, and wrong the people. And therefore I wiſh you to aske aduice, not onely in this caſe, but in all other belonging to your charge. For as it is commendable to know more and more: ſo is it no ſhame to aske often.

Baylie. I pray you then tell me, Sir, how muſt this peece of ground be handled, to be made meddow (as you ſay it will be made) or good paſture.

Sur. It muſt be drayned.

Bayly. If that be all, I thinke, I can ſay it is to little purpoſe: for I haue made trenches to that end, as you may ſee where, and how. But it became little or nothing the better, and therefore I thinke, coſt will be but caſt away vpon it.

Sur. It is a true Prouerbe: *Ignorance is an enemie to art and experience.* What you did, it may be, you had good will to doe the Lord ſeruice in it: but the courſe you

Ignorance enemie to art.

took, was not in the right kind. It is not enough to make ſuch ditches, as appeareth you haue done, they are too few and too wide. Neither did you rightly obſerue the fall of the water.

Bayly. **That were hard to be done in ſuch a place as this, where the water hath no fall at all, neither is the water ſeene much, as you ſée, but it is the moiſtneſſe of the earth that marres the land.**

Sur. But the moiſture comes by water, and the water is ſwallowed vp in this ſpungie ground, and lyes vnſeene: yet if you marke it well, you may obſerue, which way it reeles: for as you ſee, though this plot of ground be very leuell in apparance, yet if it were tryed by a iuſt leuell, it would be found declining towards yonder forlorne brooke, which you ſee is ſtopt vp with weeds, that it permitteth not the water conuenient paſſe. Therefore the firſt work is, to rid the Sewer or chiefe water-courſe, and then ſhall you ſee, that the grounds neere the cleanſed brooke, will become more drie, by the moiſture ſoking into the Sewer: then make your other draines: vſing diſcretion therein: namely, in cutting them ſtraight, from the moſt boggy places, to the maine brooke, euery of them as it were paralelly: then cut you ſome other draines ſloping, which may carry the water into theſe firſt draines, which againe will conuey it into the maine.

Baily. **You ſee the ditches that I made, they were broade enough and deepe, fit to conuey much water, yet they did no good: can you preſcribe a better forme?**

Sur. Your ditches, for the forme, were too broade, and (as it ſeemes) too deepe, and that makes the water to ſtand in them, and being broad aboue, and narrow in the bottome, makes the looſe earth to fall in and choake the ditch. But if you will make profitable draines, you muſt

first obserue, how the water will runne in them: for so will it appeare presently, and to make them as narrow aboue, as at the bottome, which at the most must not bee aboue one foote and a halfe broad, and the crust of the earth will hold, that the earth fall not in againe. So will it in short time make it appeare, that the moisture will decay, and the grounds become more drie: and as it becomes freed of the superfluous moisture: so will the weedes that are nourished by it, beginne to wither as they are depriued of their nouriture; which is too much water, which breedeth too much cold: and too much cold is the life of such weedes as encrease in this ground. and therefore the weedes should be often cut downe in the spring time, and by that meanes they will consume, and better grasse come in their steede: and the better, if cattle feede the ground, vpon the draining, as bare as may be.

Cold groūd breedes weedes.

Baylie. But the draines you speake of, may be dangerous for cattle, especially for sheepe and lambes.

Sur. Not, if they be kept alwaies cleansed, and open, that sheepe and cattle may see them: for the bigger sort may steppe ouer them, and the lesser may haue little bridges of the same crust, by vndermining the earth some three or foure foote, that the water may passe vnder.

Bridges ouer draines

Baylie. Indeede, if the crust of the earth will beare it, this course is necessary. But there is much land in England lost for want of draining, as the Fennes and low grounds in Lincolne-shire, Cambridge-shire, Norfolke, and other places, which I did thinke impossible euer to be made drie, by the art and industry of man. And yet as I heare, much of it is made lately firme ground, by the skill of one Captaine Louell, and by M. William Englebert an excellent Ingenor and others. And truely it is much to their owne commendation, and to the common good of the inhabitants neere. But these

The Fennes.

Captaine Louell.

M. William Englebert.

grounds are not drained by such meanes as you speake of.

Sur. Indeed, the draines are of vnlike quantity, but like in qualitie: one and the same rule of reason doth worke both the one and the other effect. But to say truely vnto thee, the people of those Countries (especially the poorer sort) where this kind of publique benefite is thus gotten, had rather haue the want by their fathers error, then to reape good, and more plenty by other mens art and charge. And in their conceites they had rather catch a *Pike*, then feede an Oxe.

Baily. They are either very vnwise, or very wilfull. But (no doubt) authoritie is aboue such country wilfulnesse, and doth or may enioyne them, for the Common weale, to consent and yeeld all aide in the businesse. But if they will needs fish and fowle, and refuse rich reliefe, wee will leaue them to their wills, till reason in themselues, or compulsion bring them to a more generall desire of so great a blessing.

Sur. Let it be so: What *Alders* are in the next ground?

The Alder tree enemie to all grounds.

Baylie. They are the Lords too, Sir: but the ground is so rotten, that no cattle can feede in it.

Sur. The *Alder* tree is enemie to all groundes where it growes: for the roote thereof is of that nature, that it draweth to it so much moisture to nourish it selfe, as the ground neere it, is good for no other vse.

Baylie. Doe you thinke this ground would be good, if the trees were gone?

Sur. Yes: for commonly the ground is good enough of it selfe, onely it is impaired by this kind of wood: and therefore if the cause were taken away, the effect would die.

Baylie. Then will I cause them to be stocked vp.

Sur. Nay, first it behoueth you to consider, whether it

it be expedient or not: for although this tree be not friendly to pasture, meddow, or arable land, yet it yeelds her due commoditie too, without whose aide, in some places, where other wood is scant, men can hardly husband their lands without this. For of it they make many necessarie implements of husbandry, as Ladders, Rayles, Hop-poles, Plow-stuffe, and handles for many tooles, besides fiering.

The Alder necessarie for many purposes.

Baylie. If it be so commodious, it is not onely not good to stocke them, but expedient to cherish them, and where none are, to plant.

Sur. There is great difference betweene *necessitie* and the *superabundance* of euery necessarie. For *want*, is a great commaunder, and enforceth oftentimes: and in many places they desire and search for that, which *wolde* in the time of plenty meerely neglecteth. And therefore where none of this kind of wood groweth, (the place destitute of other meanes, and fit for this kind of commoditie) *will* may be forced to giue place to *necessitie*: as in other things.

Necessitie a commander.

Baily. I haue heard, that this kind of wood is also good to make the foundations of buildings, in riuers, fennes, and standing waters, as also piles for many purposes in moyish and wet grounds.

Sur. It is true: this kind of wood is of greater continuance in watry places, then any other timber: for it is obserued, that in these places it seldome or neuer rots.

Alder good to make piles.

Baily. It loued the water and moisture well in growing, and therefore it brooketh it the better, being laid in it. But I thinke the Fyrr tree is much of the same nature: for I haue seene infinite many of them, taken out of the earth in a moyish ground in Shropshire, betweene the Lordships of Oswestrie, and Ellesmore, which (as it is supposed) haue lyen in the moist earth euer since the Flood; and being daily taken vp, the people make walking staues and pikes of them

Firre-tree lien in the ground since the flood.

firme

firme and strong, and vse the chips instede of candles in poore houses: so fat is the wood to this day, and the smel also strong and sweete.

Sur. I know the place well, where I saw *pales* made of an Oke taken out of the same ground, of the same continuance, firme and strong, blacke as *Ibony*, and might haue fitly beene employed to better vses: and I take it, that most wood will last long vnder the earth, where it neuer taketh the open ayre. But the wood now most in vse for the purposes abouesaid, is *Alder* and *Elme*.

Baylie. May a man sow the seedes of the Alder?

Sur. It beareth a kind of seede, yet some haue affirmed the contrarie. But the seedes will hardly grow by art, though by nature they may. The branches of the tree and the rootes, are aptest to grow, if they be set so, as the water and moisture may be aboue the plant: for it delighteth onely in the moistest grounds. Is not this next close the Lords, called *Broad-meddow*?

Alder hath no seede.

Bayly. It is so: I perceiue you haue a good memorie, being but once, and so long since, vpon the ground.

Sur. It is most necessarie for a Surueyor to remember what he hath obserued, and to consider well the natures and qualities of al kinds of grounds, and to informe the Lord, of the meanes how to better his estate by lawfull meanes, especially in bettering his owne *demeisne lse*. So shall he the lesse neede to surcharge his Tenats by vncharitable exactions. And forasmuch as of all other grounds, none are (of their owne nature) so profitable, and lesse chargeable, as meddow grounds, which are alwaies readie to benefite the owner, summer and winter, they especially are to be regarded.

Meddowes.

Bayly. That is true indeede, and peraduenture it takes the name of the readinesse: for we call it in Latine Pratum, as if it were semper paratum, either with the sieze for hay, or with

Pratum quasi semper paratum.

with the pasture to feede: and this meddow wherein now we are, is the best meddow that I know: and I thinke, for sweetnesse and burthen, there is not a better in England.

Sur. You doe well to aduaunce the credite of the Lords land, and you speake, I thinke, as you conceiue, because you are not acquainted with the meddowes vpon *Doue-banke*, in *Tan Deane*, vpon *Seauerne side*, *Allermore*, *the Lords meddow, in Crediton*, and the meddowes about the *welch-poole*, and especially a meddow not farre from Salisburie, neere a Bourne vnder the plaine, that beares grasse yearely aboue ten foote long, though many thinke it incredible, yet it is apparant, that the grasse is commonly sixteene foote long. It is made shorter before cattle can feede on it, and when the cattle haue fed, hogges are made fat with the remnant, namely, with the knots and sappe of the grasse.

Best Meddowes in England

Baylie. This is the straungest thing that euer I heard of, but surely these meddowes are made so good by art, but naturally, I thinke, this may match the best of them.

Sur. Indeede, meddowes very meane by nature, may be made excellent by charge: but they will decay, vnlesse they be alwaies relieued. But these that I speake of, require little or no helpe at the owners hand, onely the ayd of these riuers and fatt of the hils ouerflowing, doe feede them fat, giues great burden, and veirie sweete.

Baylie. These yearely ouerflowings of fat waters after flouds, no doubt, are very beneficial, as appeareth by the annale and yearely ouerflowing of the riuer Nilus in Egipt, which maketh the adiacent grounds so fat and fruitfull, as they be famous through the world for their fertilitie, and was allotted to Josephs brethren in Egipt.

Riuers ouerflowing good. *Nilus* in Egypt, *Iosh.* 3. 15.

Sur. You speake of a matter wonderfull in the conceites of some, that the riuer should so ouerflow in the summer, and yet it neuer raines in those parts at any time of the yeare.

Baylie. So I haue heard indeede: and that the flouds grow in the heate of the yeare about haruest, betweene July, and September, with the snow melting, that fals in the winter time, among the Mountaines.

Sur. We haue in England matter more strange, as the riuer neere Chichester in Sussex called the *Lauent*, which in the winter is drie, and in the driest Summer full to her bankes: So is the *Leame*: a riuer in Barkeshire, neere Leambourne.

The Lauent and the Leame.

Baylie. That is strange indeede: one studious in naturall Philosophy, could tell the cause of this.

Sur. I take it to be, because they are onely fed with springes, which runne onely when they are at the highest, namely, in the summer when the sunne is highest. And that also is the reason, why many *Bournes* breake out of the earth in sundry places, as we may reade it hath done sometimes neere *Mergate*, in Hartfordshire, corruptly called *Market*, and neere *Croydon* in Surrey, neere Angleton and Patcham in Sussex, and in many other places in this Realme: which breake forth suddenly out of the driest hils, in summer, and run for a time in such aboundance, as it would driue many Mils. Not yearely, but in six, eight, or ten yeares.

Bournes.

Baylie. Because you speake of Angleton, I can assure you there is a Well, that sometimes yeelds water, which when you wash your hands with, it smelleth like violets. Some would (no doubt) giue much for such excellent water.

Water smelling like violets.

Sur. Though the smell be sweete, I hold not the water so wholesome: for it is in it selfe, *leuis putredo*, a kind of putrifaction, which passing lightly by the sense of smelling, deceiueth the sense, which if it tooke a more serious Note of it, would find it a kind of stincke: as your purest muske & Ciuet, the more neerer the sense it commeth, & the more the sense chargeth it selfe with the whole sent, the

Leuis putredo.

Sense deceiued.

the more lothsome it will prooue. But these are things comming into our talke by the way: let vs returne to our matter of meddowes, the cause of whose goodnesse is the soyle, and ouerflowing, with the most muddy water.

Baylie. No doubt, it is an admirable helpe vnto them: nay, I by small experience that I haue found, can tell you a pretty Parador, how say you to this? Boggy and spungie ground, whereof wee discoursed before, though in it owne nature it be to moist, yet, if it be ouerflowed with water often, it will settle and become firme: which howsoeuer in my poore vnderstanding, it would seeme opposite to reason, that water should helpe watery ground, yet experience findeth it so.

Boggie grounds helpt by ouerflowing.

Sur. All ouerflowing waters doe bring a slimy and fat substance with them, and leaue it behind them: which together with the working of the water, through the spungie ground you speake of, worketh that effect in all grounds, where it comes.

Baylie. But waters cannot be brought into all kinds of boggy grounds, nor into all kinds of meddowes.

Sur. No, for there are two sorts of meddowes, low and moist, and vpland, and drie meddowes, of these kinds the low is commonly the best: because they are aptest to receiue these falling and swelling waters, which for the most part brings fatnesse with it: and besides it moisteneth the ground, and makes the grasse to grow cheerefull: yet howsoeuer fat and fruitfull they be, continuall mowing yearely without intermission, may weaken them and impaire their goodnesse, and will require some helpe, vnlesse they be such meddowes as I recommended vnto you ere while, that are so fed with fat ouerflowing waters, as doe still maintaine them in strength.

Two sorts of meddowes

Baylie. Then must the vpland meddow, by often and continuall shearing, needes decay.

Vpland Meddowes haue but the name.

Sur. The vpland meddowes haue but the name of meddowes: for indeede, they are but the best pasture grounds, laid for hay. And to distinguish betweene that kind of meddowe and pasture ground, or betweene pasture and arable, is friuolous: for that kind of medowe is most properly pasture, and all pasture grounds may be tilled. For when we say arable, it is as much, as if wee said, it is subiect to the plough, or land which may bee plowed: and why then may not a man say, that which is now pasture is arable? that is, conuenient to be tilled. And on the contrarie, that which is now tilled, may bee pasturable: namely, apt to graze, and to feede cattle.

Hard to distinguish groundes.

Baylie. You prooue, that it is superfluous in manner, to distinguish the qualities of grounds.

Sur. I confesse, a Surueyor may note the qualitie of euery kind, as he findeth it in the time of his perambulation and view. But peraduenture, the next yeere, he that comes to distinguish them, may enter them cleane contrarie to the former. And therefore it is not amisse, in all such entries, to adde the word (now:) as to say, now tilled, or now pasture, now vsed for meddow: vnlesse it be alow meddow alwaies mowne. But he that shall enter a peece of vpland groũd, (though it be sometimes mown) vnder the name of meddow, erreth in his entrie. But for that, let all men follow their owne fancies. But because we speake of vpland meddowes, we will accept all mowable grounds in that sense. And of such I will first speake.

Meddow of different natures.

They are either of a clay soyle, and so naturally fat, or stiffe: or a sandy earth enriched and made fat by industrie: and both of these by mowing yearely without intermission, and supply of helpe, may be so impayred, as it will yeeld little benefite to the owner. The nature there-

fore

fore of euery grou̅d muſt be conſidered: for the vpland & high ground, may be alſo watrie, and conſequently cold and moiſt, which kind of grounds are generally clay: for a ſandy and grauelly ground lying high, and depending, is ſeldome or neuer found moiſt by nature, but drie, and conſequently hot. So that all vpland grounds are commonly either too cold and moiſt, or too hot and drie: either of which muſt haue his ſeuerall helpe. For as the conſtitution of a mans body, is found by the effectes of *fatneſſe*, *leanneſſe*, *heat*, and *cold*: So doe the earths diſcouer their natures by their fruit, which nature cauſeth them to bring forth in infinite kinds, The cold and watry grounds yeeld long, but ſoure and vnprofitable graſſe, ruſhes, and rancke moſſe: which kind of ground muſt bee cured, if neede require, with draines, but commonly theſe grounds are of clay: and clay will neuer giue way, or euacuation to the water, becauſe the ground is hard and ſtiffe, contrarie to the open and ſpungie ground, which is thin and open. And therefore the hotteſt chalke or lime is beſt to kill the ſoure graſſe, & vnprofitable moſſe. So is cole-duſt aſhes, and fine drie ſand: and chimney ſoote, if ſufficient quantity could be gotten: and after theſe things thus laid, it is expedient to giue it a tilth or two, and then to let it lie againe, if it be to be vſed for meddow or paſture. And for the other grounds which are hot and drie by nature, the contrarie is to be vſed, by vſing meanes to coole the heate, and to moiſten the drineſſe: and that is, by beſtowing ſome fat and ſlimy *Marle* vpon them, which will much cheriſh and reuiue the parched graſſe, and kill the hungrie moſſe that groweth by the drineſſe of the earth, as a *ſcurfe* or *tetter* on the body, by the heate that proceedeth of a ſalt humor. The natures

of these two kinds of grounds are also found out, whether they be cold and moist, or hot, and drie, by the quantitie, and qualitie of their fruites, as the seasons of the yeare be drie or moist: for that ground that groweth best in a moist yeare, is hot and drie. The clay ground in a moist yeare (if it be not too moist) may be also comforted, because in too drie a yeare, the clay becommeth so strongly bound, that the tender grasse can hardly make way through the obdurate earth: whereas moderate moisture mollifieth the same, cherisheth the roote, and giues way for the grasse: and if it haue too much moisture, it becommeth so slimy, and the rootes so drenched, as it turneth the grasse into a spirie kinde, and that but short, and by the colde that commeth of the too much moisture, it increaseth rushes aboundantly, and thicke mosse: So that it appereth, that the seasons of the yeare doe either helpe or hinder the increase of all kinds of grounds: which the art or industrie of man cannot preuent. For many times the helpes, that man vseth to assist and helpe nature, doe hinder it: as where compost & stable soyle is laid vpon a drie ground, reserued for grasse, if a drie yeare followe, the heate of the soile and the drinesse of the yeare, doe so impouerish the grasse, that it yeeldeth the owner lesse increase, then if he had bestowed no soile at all: yet men ought not to be remisse, in soyling their lands: for if it preuaile not in one yeare, they shall find it at another time very profitable: and for all seasons, I perswade men to make meanes, where it may be done, to induce out of streets, lands, wayes, and ditches, all the water, that by some extraordinarie raine passeth through them, into their grounds, by making some little dam, or barre to draw them into their

Clay groūd

Helpes intended sometimes hinder.

Bringing of street water into groūds profitable.

their grounds: for the matter which this water bringeth with it, is commonly so rich and fat, as it yeeldeth a marvailous refection to all the grounds, high or low, into which it may be brought: which kind of husbandrie is much vsed in Summerset, Deuon and Cornwall, to their admirable aduantage, and in some other places heere and there, but not so generally, as in prouidence men might, for a richer experiment is not neglected.

Baylie. This is a good course, no doubt, in places where it may be put in execution: but as you say, all men are not so prouident, and painefull, which indeede is a great fault, and wherein I my selfe I confesse, haue beene culpable: but I will be more carefull as well in that, as in other things, whereof you haue put me in mind. And truely I thinke, there is much profite, wilfully lost in many places by negligence, want of skill, and sparing of some small charge. You haue hitherunto spoken onely of vpland meddow grounds: but you deuided meddowes into two sorts: what say you to the second, namely lowe meddowes? for I haue seene and obserued as great defects in them, by reason of their too often mowing without rest, as may require some consideration how to repaire them: for some of these grounds are as much annoyed by too much moisture, as the vpland with the want of it.

Sur. For the too much moisture, if it be but in the winter season, and continue but vntill the middle or end of Aprill, it doth not onely no harme, but good: for if you marke and obserue it well, you seldome or neuer see bogges, where the water ouerflowes, and stands in the winter time. But if it be more permanent, and of a longer stay, there must be meanes vsed for euacuation: for in many places you may perceiue certaine lowe places in meddow grounds: where if the water once take a standing, it will cause the ground to sinke more and more, and therefore that kind of water must be vented betimes.

How water doth good to meddowes.

for

Water how it may be hurtfull to groundes.

for otherwise it killeth the grasse, and makes the place bare in a drie summer, when the water is gone, or else it will cause such a coldnesse to the earth, as it will bring forth more rushes then grasse. And therefore it must bee a principall care, to haue all riuers, Sewers, and water drains, wel cleansed and scoured, that vpon occasiō, when time requireth, when you will conuey the water from the Meddowes, it may haue a due current, and likewise vpon occasion to stoppe the riuers, to the end the water may ouerflow at times conuenient.

Baylie. But ofttimes of water courses, doe in some places grow by such meanes, as one priuate man or two cannot by force or discretion make remedie. As when Sewers bee common, sometime betweene Lordship and Lordship, parish and parish, or betweene a multitude, among whome it is alwaies seene, some will be peruerse, and wilfull: and hinder the best publique action that is, though the doing of it be neuer so profitable to themselues, and the omitting, hindrance. Besides this, you se vpon diuers streames Water-mils, which by reason of their high pitch, barre backe the water that should haue cleere passe: so that sundry mens grounds are drowned, euen vntill, and at the time of haying. And for the most part, these Mils do appertain to great persons, who rather then they will loose a penny of their profite, will hazard the losse of a pound to poore men. What remedie is there for any of these mischiefes?

Mils of too high a pitch pen the water.

Sur. For euery of them the law hath prouided remedie. And the greatest hindrance is either neglect or feare of complaint: and vpon complaint in places, and to persons appointed to reforme neglect of iustice to bee executed, *Leetes or law-daies, generall Sessions, Commissioners of Sewers, and actions at the common law*, are prouided to right these wrongs: therefore speake no more of this, as matter of impeachment of the grounds, which of themselues

ſelues, are naturally good or euill. But rather ſeeke the meanes to better and helpe the ground, which, as you obiect, is weakened by often cutting. When a man obſerueth ſuch decay in his meddowe, let it lie ſome fewe yeares to paſture, and be eaten verie low, it will procure ſome heat againe. If not, take the fatteſt earth that may be gotten, and let it lie a yeare if you can, to diſſolue, and when it is drie and will crumble ſmall, mingle it with good and well fatted dung, and lay them a while in a heape, vntill they be ſufficiently incorporated, which will be in one winter, then carrie it into your meddow about the beginning of March, or before, and then caſt it abroad vpon the meddowes, not too thick, nor the clods too great, it will reuiue the weakened mould, and make the graſſe ſpring againe very freſhly.

How to amend weakned meddow.

Baily. I thinke this bee good alſo for barren paſture.

Sur. It is very excellent for paſture, for hee that will beſtow the coſt, ſhall find his recompence in ſhort time. It is worthy the obſeruance, though the care, coſt, and paine be great.

Baylie. I ſee in ſome meddowes gaully places, where little or no graſſe at all groweth, by reaſon (as I take it,) of the too long ſtanding of the water, for ſuch places are commonly low where the water ſtandeth, not hauing vent to paſſe away, & therfore meanes muſt be firſt made for the euacuation of the water: for the continuall ſtanding of the water conſumeth the graſſe, and makes the place bare, and ſinketh it.

Gauly places in meddowes.

Sur. In ſuch a place therefore, ſow in the ſpring time ſome hay ſeed, eſpecially the ſeed of the clauer graſſe, or the graſſe hony-ſuckle, & other ſeeds that fall out of the fineſt and pureſt hay: and in the ſowing of it, mingle with it ſome good earth. But ſow not the hony-ſuckle graſſe in too moiſt a ground, for it liketh it not, therefore you muſt drayne the place before you ſow it.

Clauer-graſſe.

Bayly. **Is it not good sometimes to till and sow the meadow grounds?**

To till meadow grouds.

Sur. Yes, vpon good occasion, as you find by the slender croppe of hay it beareth in a seasonable summer, that the ground begins to faint, as it were vnder the burthen of continuall bearing, fallow it, and let it lie a whole summer, and in the fall of the leafe plow it againe, and at the season sow it with pease or fetches, next with wheat, and lastly with fetches and hay dust, laying it as plaine and leuell as you can. Then feede it the next summer, and after that, hayn it and mowe it, and within a yeere or two, the grasse will be fat sweet and good.

Meadow ground burned.

Baylie. **I haue seene meadowes, as well as other arable lands, namely, the crust of the earth cut in turffes and burned, and so sowne as aforesaid.**

Sur. This kinde of husbandry is neither vsuall nor expedient in al places, especially in meadow grounds, vnlesse the meadowes bee too much ouergrowne with mosse, through too much moysture and colde: yet indeede I haue seene it in some part of *Shropshire*. But I haue thought it rather done for the corne sake, then for reformation of the meadow.

Baily. **But I like not this husbandry in any sort, in good meadow grounds.**

Sur. You need not feare it, for experience hath found, that it hurteth no kinde of ground. But I leaue euery man to his owne fancie.

Meadow most beneficiall.

Baily. **Surely, I thinke there néeds no helpe to good meadowe grounds, for it requireth small trauell, and lesse charge and of all grounds (as was sayd in the beginning of our speech) it is most beneficiall.**

Sur. Euery thing hath his time and course, a growing, a perfection, and decay. And the best ground may bee ouer-

ouercharged, the plow, and the sithe will weaken, if there bee no helpe by Art, or Nature: for though nature wake and worke when we sleepe, and are idle, yet it often faileth, when wit and industrie must work and supply what Nature leaueth. And therfore he that hath best medow grounds, if he be a good husband, will obserue how they stand in force, or weaknes, & accordingly indeuor to help the defects: he must neither sleepe for the too much heat in Summer, nor keepe house in Winter for too much cold: but both Winter and Summer giue such attendance and ayd vnto his land, as in discretion he shall find most behouefull: for land is like the body: if it bee not fed with nutriture, and comforted and adorned with the most expedient commodities, it will pine away, and become forlorne, as the minde that hath no rest or recreation, waxeth lumpish and heauy. So that ground that wanteth due disposing and right manurance, waxeth out of kind: euen the best meadowes will become ragged, and full of vnprofitable weedes, if it bee not cut and eaten, some will become too moist, and so growe to bogges; some too dry, and so to a hungrie mosse. And therefore according to the naturall or vrged inclination, men are to endeuour to prepare preseruations, or reformations, namely, to keepe the good in good case, and to bring the euill to a better state. If it be too moist, you must seeke to drie it: if too drie, you must vse means to moysten it.

Land like the bodie.

Bayly. What if there be such places in a meadow, as neither art nor charge can conueniently make drie, or fit for grasse, as I know many, and (no doubt) so doe you, which will be vnprofitable, whatsoeuer course be taken, vnlesse more charge be layd vpon it, then it can requite?

Swi. In such places the best course is to plant wil-

To plant Willowes.

lowes red or white, namely, in euery voyd plot of lowe ground that is too moiſt, & of litle vſe but to plant them, as alſo neere vnto, and in hedge-rowes: for thoſe kindes of willowes are very profitable and little hurtfull and delight moſt in watry places, where profitable & ſweete graſſe likes not: They growe ſpeedily, and beare much, and ſerue for many vſes in husbandrie.

Baily. In this indeed I can approue your Iudgement by mine owne Art and experience: for about ſeuen or eight yeres ſince, I ſet a certaine number of theſe kindes of Willow poles, ſhaped and cut for the purpoſe, and in deede I cut them and ſet them in a drie time, for I can tell you, although they loue the water well in their growing, wet is an enemie vnto them being cut from the tree, & in the time of their replanting: ſome I ſet in the end of Ianuarie, ſome in the beginning of Februarie, when the extremitie of the colde is neere gone. I ſet ſome in a meadow by a riuers ſide, ſome in a bottome, where the water fals moſt in the time of raine, and I ſet euery one of them fiue foote aſunder, and for three yeeres ſpace I kept them prined verie carefully: and at this preſent time they haue heads and branches of verie great burden, euery three trees neere a load of wood. And I doe not thinke, but euerie fiue or ſixe yeeres will afford as much and more: for as the bodie of the tree doth increaſe, the branches will augment in greatneſſe: and this without loſſe of much ground, or hinderance to the graſſe. Nay, I finde that vnder theſe trees, the graſſe is moſt ranke and fruitfull, not onely by reaſon of the dropping of the boughes, but by the fall of the leafe in Autumne, as alſo by the cattell ſheltring and ſhadowing vnder them. And moreouer, I haue planted an Ozier hope, (for ſo they call it in Eſſex, and in ſome places an Ozier bed) in a ſurrounded ground, fit before for no other vſe, for the too much moyſture and ouerflowing of it. And to tell you truely, I thinke, it yeeldeth me now a greater benefit yeerely, acre for acre, then an acre of beſt wheat: and that without any great trauell or charge, and the ordinarie increaſe ſeldome fayling.

Setting of Willowes.

Ozier hope

Ozier brooketh no ſhadow.

Mne-

Onely I finde, that this kind of tree bꝛoketh not the ſhadow of any other tree, but delighteth in the open ayꝛe, and in the Sunne beames: ſo imperiall oꝛ ſullen is this little plant. And truly I conceiue, that men that haue ſuch grounds, as beſit this kind of commoditie, come ſhoꝛt of good husbands, if they plant them not.

Sur. You ſay in this very truly: and it is a great ſhame for many capable wits, and able bodies, that they, hauing liuings and leaſure, employ neither of them to their vttermoſt profitable ends: for land is giuen to man, to the end he ſhould till it, manure it, and dreſſe it: namely, hee ſhould ſet, ſow, and plant vpon it, and in due diſcretion to conuert euery place to his fitteſt fruite. For I am of opinion, that there is no kinde of ſoile, be it neuer ſo wilde, boggy, clay, oꝛ ſandy, but will yeeld one kind of beneficiall fruit or other.

All grounds good for ſome vſe.

Baylie. Nay, by your leaue, I thinke, the pibbles oꝛ beach ſtones vpon the ſea coaſt, about Orford Neſſe in Suff. the Camber in Suſsex, and ſuch like, are good foꝛ no vſe, eſpecially foꝛ any pꝛofitable fruit: foꝛ I think, there is no firme ſoyle within a ſpeares length of ſome part of the higheſt of them.

Peaze vpon the beach grow naturally.

Sur. You ſpeak not now of ſoyle, you ſpeak of ſtones, and yet haue I eaten of good and nouriſhing fruit growing euen there, as *peaſe*, pleaſant, wholeſome, and good, growing of their owne accord, neuer ſet oꝛ ſowne: but they differ in the manner of branching onely, the bloſſomes differ not much, but the coddes hang in cluſters, eight, tenne, oꝛ twelue in a bunch, and taſt as other peaſe.

Baily. That is ſtrange, that they ſhould gꝛow where no firme earth is neere, and without ſetting oꝛ ſowing: mee thinks, if they be of any abundance, pooꝛe people might make vſe of them, if they be wholeſome and not foꝛbidden.

Sur. So doe they in the times of dearth and ſcarſitie.

Bayly. I haue ſeene vpon theſe grounds, ſtoꝛe of Pewets, Olives,

To plant Willowes.

lowes red or white, namely, in euery voyd plot of lowe ground that is too moiſt, & of litle vſe but to plant them, as alſo neere vnto, and in hedge-rowes: for thoſe kindes of willowes are very profitable and little hurtfull and delight moſt in watry places, where profitable & ſweete graſſe likes not: They growe ſpeedily, and beare much, and ſerue for many vſes in husbandrie.

Baily. In this indeed I can approue your Iudgement by mine owne Art and experience: for about ſeuen or eight yeres ſince, I ſet a certaine number of theſe kindes of Willow poles, ſhaped and cut for the purpoſe, and in deede I cut them and ſet them in a drie time, for I can tell you, although they loue the water well in their growing, wet is an enemie vnto them being cut from the tree, & in the time of their replanting: ſome I ſet in the end of Ianuarie, ſome in the beginning of Februarie, when the extremitie of the colde is neere gone. I ſet ſome in a meadow by a riuers ſide, ſome in a bottome, where the water fals moſt in the time of raine, and I ſet euery one of them fiue foote aſunder, and for three yeeres ſpace I kept them pruned verie carefully: and at this preſent time they haue heads and branches of verie great burden, euery three trees neere a load of wood. And I doe not thinke, but euerie fiue or ſixe yeeres will afford as much and more: for as the bodie of the tree doth increaſe, the branches will augment in greatneſſe: and this without loſſe of much ground, or hinderance to the graſſe. Nay, I finde that vnder theſe trees, the graſſe is moſt ranke and fruitfull, not onely by reaſon of the dropping of the boughes, but by the fall of the leafe in Autumne, as alſo by the cattell ſheltring and ſhadowing vnder them. And moreouer, I haue planted an Ozier hope, (for ſo they call it in Eſſex, and in ſome places an Ozier bed) in a ſurrounded ground, fit before for no other vſe, for the too much moyſture and ouerflowing of it. And to tell you truely, I thinke, it yeldeth me now a greater benefit yeerely, acre for acre, then an acre of beſt wheat: and that without any great trauell or charge, and the ordinarie increaſe ſeldome faying.

Setting of Willowes.

Ozier hope

Ozier brooketh no ſhadow.

Onely I finde, that this kind of tree bꝛoketh not the shadow of any other tree, but delighteth in the open ayꝛe, and in the Sunne beames: so imperiall oꝛ sullen is this little plant. And truly I conceiue, that men that haue such grounds, as befit this kind of commoditie, come shoꝛt of good husbands, if they plant them not.

Sur. You say in this very truly: and it is a great shame for many capable wits, and able bodies, that they hauing liuings and leasure, employ neither of them to their vttermost profitable ends: for land is giuen to man, to the end he should till it, manure it, and dresse it: namely, hee should set, sow, and plant vpon it, and in due discretion to conuert euery place to his fittest fruite. For I am of opinion, that there is no kinde of soile, be it neuer so wilde, boggy, clay, or sandy, but will yeeld one kind of beneficiall fruit or other.

All grounds good for some vse.

Bayly. Nay, by your leaue, I thinke, the pibbles oꝛ beach stones vpon the sea coast, about Orford Nesse in Suff. the Camber in Sussex, and such like, are good foꝛ no vse, especially foꝛ any pꝛofitable fruit: foꝛ I think, there is no firme soyle within a speares length of some part of the highest of them.

Peaze vpon the beach grow naturally.

Sur. You speak not now of soyle, you speak of stones, and yet haue I eaten of good and nourishing fruit growing euen there, as *peaſe*, pleasant, wholesome, and good, growing of their owne accord, neuer set or sowne: but they differ in the manner of branching onely, the blossomes differ not much, but the coddes hang in clusters, eight, tenne, or twelue in a bunch, and tast as other peaſe.

Baily. That is strange, that they should grow where no firme earth is neere, and without setting oꝛ sowing: mee thinks, if they be of any abundance, pooꝛe people might make vse of them, if they be wholesome and not foꝛbidden.

Sur. So doe they in the times of dearth and scarsitie.

Bayly. I haue seene vpon these grounds, stoꝛe of Pewets,

Pewets and Oliues, &c.

Oliues, and Cobbes bread, foules of great request at most honorable tables.

Sur. So haue I, but to allure them, it is good to streaw rushes and grasse vpon the *beach*, whereon to lay their egges about March, vnlesse there bee store of sea-weeds to serue for that purpose. But for your other sorts of grounds, as boggie, and hot, and sandy grounds, commonly barren, I see not how they may bee employed to any great profit. For the first, namely, your low and spungie grounds, trenched, is good for hoppes, as *Essex*, and *Surrey*, and other places doe find to their profit. The hot and sandy, (omitting graine) is good for *Carret roots*, a beneficial fruit, as at *Orford*, *Ipswich*, and many sea townes in *Suffolke*: as also Inland townes, *Berrie*, *Framingham*, and others in some measure, in the same shire, *Norwich*, and many places in *Norfolke*, *Colchester* in *Essex*, *Fulham*, and other places neere *London*. And it begins to increase in all places of this Realme, where discretion and industrie sway the mindes of the inhabitants: and I doe not a little maruell, that husbandmen and Farmers doe not imitate this, for their owne families at least, and to sell to their poore neighbours, as in some places they begin, to their great profit. I haue also obserued in many places, where I haue had occasion to trauell, that many crofts, tofts, pingles, pightels, and other small quillits of Land, about farme houses, and tenements, are suffered to lie altogether idle: some ouergrowne with nettles, mallowes, thistles, wilde tezels, and diuers other vnprofitable weedes, which are fat and fertile: where, if the Farmer would vse the meanes, would grow sundry commodities, as *hempe*, and *mustard seede*, both which are so strong enemies to all other superfluous, and vnprofitable

Hoppes.

Carret roots.

Many waste grounds might yeeld profite.

Hempe.

Mustard-seede.

weedes, as they will not suffer any of them to growe where they are sowne. The hempe is of great vse in a Farmers house, as is found in *Suffolke*, *Norfolke*, *Sussex*, *Dorset*, and in many places in *Somerset*, especially about *Burport*, and *Lime*, where the people doe finde by it great aduantage, not onely for cordage for shipping, but also for linnen, and other necessaries about a house. So is also the *flaxe*, which is also sowne in many places, where good huswiues endeuour their wits, wils, and hands to that commodious and profitable course, and the *flaxe* wil like well inough in a more light and gentle, and leaner soyle, then the hempe. And indeede there is not a place so rude, and vnlikely, but diligence and discretion may conuert it to some profitable end: and among many other commodities, I maruell, men are no more forward in planting of *Apple trees*, *Peare-trees*, Crab-stockes, and such like in their hedges, betweene their fields, as well as in Orchards: a matter praise worthy, and profitable to the planter, and to the common wealth, very beneficiall.

Flaxe.

Apple trees.

Baily. Indeed, I haue thought vpon this kinde of husbandrie, but I haue beene preuented of mine owne desires by a preiudicate conceit, that these fruits would redound little to my benefit, for that I thinke they will be stollen, the hedges troden downe, and the trees broken for the fruits sake.

Sur. Negligence may easily find excuse: but this obiection is friuolous: for I know in *Kent*, *Worcestershire*, *Shropshire*, *Gloucestershire*, *Somerset*, and *Deuon*. and many parts in *Wales*, full of this commoditie, euen in their remote hedge-rowes. And although some few be lost, sith the rest come so easily, so fully, and so freely, a good mind will not grudge at a way-faring passenger, taking for his refection,

refection, and to qualifie the heat of his trauell, an apple or a peare: for the remnant will content the well conditioned owner. For I haue knowne, that (all the stolen allowed) the fruit thus dispersedly planted, haue made in some little Farmes, or (as they call them in those parts) *Burgaines*, a tunne, two, three, foure, of *Syder*, and *Perry*, which kinde of drinke resembling white wine, hath without any further supply of ale, or beer, sufficed a good houshol der and his family, the whole yeere following, and sometimes hath made of the ouerplus twenty nobles, or ten pounds, more or lesse.

Syder.
Perry.

Baylie. This surely cannot be but confessed, to bee very beneficiall, both for the priuate and publique weale. And I my selfe haue noted, that Mid. in former times, hath had regard to this kind of commoditie: for many Appletrées, Peare trées, Seruice trées, and such like, haue béne planted in the fieldes and hedge-rowes, especially in the North and East part of the shire, as also in the South part of Hartfordshire, which are at this day very beneficiall to the inhabitants, both for their owne vse and relieue, as also to vent diuers waies at London by the good huswife. But the trees are now for the most part very auncient, and I doe not see such a continuall inclination in the time present, to continue or increase this benefite for the vse of posteritie: neither did I euer know much Sider and Perry made in these parts, neither doe I thinke they haue sufficient skill or meanes.

Sur: I thinke indeed, little *Sider* is made there, some *Perrie* there is here and there: but more in the West countrey and in *Kent*, a place very fructiferous of that kind of fruit.

Kent.

Bayly. Yet is there not so much Sider made, for all the great abundance of fruit, as there might be, but in the Inland.

Sur. The reason is, because that neere *London*, and the *Thames*

Thames side, the fruit is vented in kind, not onely to the Fruterers in grosse, but by the country wiues, in the neereſt part of *Kent*, *Middleſex*, *Eſſex*, and *Surrey*, who vtter them in the markets, as they do al other vendible things elſe.

Bayly. But aboue all others, I thinke, the Kentiſhmen be moſt apt and induſtrious, in planting Orchards with Pippins and Cherries, eſpecially neere the Thames, about Feuerſham, and Sittingburne. And the order of their planting is ſuch, as the forme delighteth the eye, the fruit the taſte, and the walks infinite recreate the body. Beſides, the graſſe and herbage, notwithſtanding the trees, yeelds as much benefit, in manner, as if there were no trees, planted at all, eſpecially for hay.

Sur. It is true: and in mine opinion, many men hauing tenements, and time in them, make not halfe the the profite, which by due and diſcreet induſtrie they might.

Bayly. Truely I now ſo conceiue it: for you haue in many things, made mee ſee mine owne indiſcretion and negligence: but in many of them feare hath more preuailed with me, then wilfull refuſall. And ſo I thinke it doth in other men, who alſo with my ſelfe, are ignorant of many points of prouidence, and good husbandrie: becauſe they are not generally trauellers to ſee other places, neither hath their breeding beene iudicious, but plaine according to a ſlubberd patterne of ancient ignorance, by which they only shape all their courſes, as their Fathers did, neuer putting in practiſe any new deuiſe, by the rule of more reaſon. And therefore indeede, we [illegible]ine in this age of ignorance and idleneſſe, may betake [illegible] a better courſe without any diſparagement, if wee could [illegible] to new and probable preteents, as time and triall will yeeld experience. But ſurely, I hold your opinion good for the planting of fruit trees, not onely in Orchards, but in the hedge-rowes and fields: for I thinke, wee haue of no tree more neceſſarie vſe.

Men vntaught know little.

Many follow old husbandry.

Oke, Ash, and Elme.

Sur. It is true in respect of fruite. But in other respects, the *Oke*, *Elme*, and *Ash*, are more precious.

Baylie. These indeede are building trees, and of the three, the Oke is of most request, a timber most firme and most durable. I haue beene no great traueller, and therefore I can speake little of the increase or decrease of them, other then in the places where I am most resident, and where my ordinarie affaires doe lie. And for those parts, I can say, that they increase not, though they seeme not to bee wanted: for you see this country inclinable to wood and timber much: yet within these twenty yeeres they haue bin diminished two parts of three: and if it goe on by like proportion, our children will surely want. How it is in other countreyes I knowe not.

Oke much decayeth. 35. Hen. 8.

Sur. I haue seene many places of note for this kinde of commoditie, (for so it is, howsoeuer it hath been little preserued) and I finde, that it hath vniuersally receiued a mortall blow within the time of my memorie: notwithstanding there is a Statute for the preseruation and maintenance of the same, and the same continued to this day, but not with wished effect, as we haue thereof spoken before.

Baylie. I will tell you Sir, careleſſe Gentlemen, that haue Mannors and Parkes well wooded, left them by their carefull auncestors, that would not strip a tree for gold, are of the mind (as it seemeth) that the shadowe of the high trees doe dazle their eyes, they cannot see to play the good husbands, nor looke about them to sell the land, till the trees be taken out of their sight.

Sur. Can you breake a iest so boldly vpon [illegible] of woodmen?

Baylie. You see as well as I, some vse it in earnest: and I thinke indeede, it is partly your fault that are Surueyors: for when Gentlemen haue sunke themselues by rowling in

Vanities boat, you blow them the bladders of lauishing helps, to make them swim againe awhile, counselling first to cleere the land of the wood, (in the sale whereof is great abuse) perswading them, they shall sell the land little the cheaper. And indeede I hold it prouidence, where necessitie commands, to chose of two, the lesser euill: namely, to sell part of a superfluous quantitie of wood, where the remanent will serue the partie in vse, rather then ẏ land. But withal, it is the part of a good Surueyor, to counsell frugality, and a sparing spending, according to the proportion of the meanes of him he trauels for. And if that great Emperor Necessitie will needs haue hauocke, sell the wood, or prize it so, as he that buyes the land haue not the wood for nought: as is often seene, when the wood and timber sometimes is worth the price of wood and land.

Gentlemen sell their woods too fast.

A Surveyor must counsell frugalitie.

Sur. It seemes, when you come to bee a Surueyor, as you labour to be, you will be verie carefull in your counsell: but it may be, when you seeme to haue best skill, and earnest desire to draw the line straight for a man inclinable to his owne will, hee wil rather giue into the hands of some one that feeds his conceits with flatterie, and he shal mannage the building, when you haue laid the foundation. And what hee doth, bee it right or crooked, is leuell with the marke. And therefore leauing euery man to him he lies, I say onely this, that sith timber and timber trees, and wood by due obseruation, are found to decay so fast, mee thinks, in common discretion, it should behooue euery good husband (for all would be so accounted) h[illegible] vpon his owne land, as also vpon such as hee holds of other mens, not onely to maintaine, and to the vttermost to preserue the timber trees, and saplins likely to become timber trees, Oke, Elme, and Ash: but voluntarily to plant young: and because there is not onely an vniuersall inclination to hurle downe, it were expedient

Affection.

Simple men doe manage mens busines throgh flatterie.

All men ought to preserue timber.

that ſith *will* will not, authoritie ſhould conſtraine ſome meane of reſtauration, namely, to enioyne men, as well Lords, as tenants, to plant for euery ſumme of acres a number of trees, or to ſow or ſet a quantitie of ground with Acorns, Aſh keyes, Hawberries, Nuts, &c.

Baylie. I remember there is a Statute made, 35. Hen. the 8. and the 1. Elizab. for the preſeruation of timber trees, Oake, Aſh, Elme, Aſpe, and Beech: and that twelue ſtoores and ſtandils ſhould be left ſtanding at euery fall, vpon an acre: but me thinks, this Statute is deluded, and the meaning abuſed: for I haue ſeene in many places at the ſales, where indeede they leaue the number of ſtandils and more, but in ſtead, they cut downe them that were preſerued before; and at the next fall, them that were left to anſwere the Statute, and yong left againe in their ſteads: ſo that there can be no increaſe of timber trees, notwithſtanding the words of the Statute, by this kind of reſeruation, vnleſſe ſuch as were thus left, were continued to become timber trees: and therefore it were not amiſſe, that ſome prouiſion were made, to maintaine the meaning of the Statute in more ample ſort: but I leaue that, to ſuch as ſee more cauſe then I ſo haue power to reforme it.

35. Hen. 8. 1. Eliz.

The Statute abuſed.

Sur. It is a thing indeed to be regarded, for the abuſes of woods are infinite and intolerable.

Baylie. Surely it is, eſpecially in ſome ſhires where timber growes: for there is no County, howſoeuer, but hath vſe of timber: and men of their own wils, ſeeing the eminent want, will moue and worke a reformation, for many Prouerbe is, Let them that liue longeſt, ſetch their theft.

Want of wood and Timber feared.

Sur. But ſome countreys are yet well ſtored, and for the abundance of timber and wood, were excepted in the Statute, as the welds of *Kent*, *Suſſex*, and *Surrey*, which were all anciently comprehended vnder the name of

Holmes dale. There are diuers places also in *Darbishire*, *Cheshire*, and *Shropshire*, well wooded. And yet hee that well obserues it, and hath knowne the Welds of *Sussex*, *Surrey*, and *Kent*, the grand nursery of those kind of trees, especially Oke, and Beech, shall find an alteration within lesse then thirty yeeres, as may well strike a feare, lest few yeeres more, as pestilent as the former, will leaue few good trees standing in those Welds. Such a heat issueth out of the many forges, and furnaces, for the making of yron, and out of the glasse-kilnes, as hath deuoured many famous woods within the Welds: as about *Burningfold*, *Barwood Greene*, the *Mens*, *Kirdford*, *Petworth* Parks, *Ebernoe*, *Wassalls*, *Russper*, *Balcombe*, *Dalington* the *Dyker*: and some forests, and other places infinite. *Tantum aui habemus quam valet mutare vetustas.* The force of time, and [illegible] alteration, make great changes in mightie things. But the [illegible] of this commodious fruite of the earth, which Nature herselfe doth sowe, being thus reaped and cut downe by the sickle of time, hath been in some plentifull places, in regard of the superfluous aboundance, [illegible] a burthen, weede, then a profitable fruit, and [illegible] before the wasting of it held prouidence, to the ende [illegible] profitable increase, might be brought [illegible] which hath made Inhabitants so fast [illegible] confusion of the one, to haue the other. [illegible] to bee feared, that posterities will finde want, [illegible] now they thinke is too much. *Virtutem incolumem odimus, sublatam sero sæpe quærimus inuidi.* Things that wee haue too common, are not regarded: but being depriued of them, they are oft times sought for in vaine.

Holmes dale.

Thirtie yeeres haue consumed much wood and timber.

Glasse houses.

Great Woods wasted.

Woods destroyed for corns sake.

Baily. It is no maruell, if Sussex and other places you speake

140. Iron-works in Suſſex.

ſpeake off, be depriued of this benefit: for I haue heard, there are, or lately were in Suſſex, neere 140. hammers and furnaces for yron, and in it, and Surrey adioyning, 3, or 4. glaſſe houſes: the hammers and furnaces ſpend, each of them in euerie 24. houres, 2. 3. or foure loades of Charke-coale, which in a yeere amounteth to an infinite quantitie, as you can better account by your Arithmetique, then I.

Sur. That which you ſay, is true, but they worke not all, all the yeere: for many of them lacke water in the Summer to blow their bellowes. And to ſay truth, the conſuming of much of theſe in the Weld, is no ſuch great preiudice to the weale publike, as is the ouerthrow of wood and timber, in places where there is no great quantity: for I haue obſerued, that the cleanſing of many of theſe welde grounds, hath redounded rather to the benefite, then to the hurt of the countrey: for where woods did growe in ſuperfluous abundance, there was lacke of paſture for kine, and of arable land for corne, without the which, a Countrey, or countrey farme cannot ſtand, or be releeued, but by neighbour helpes, as the *Downes* haue their wood from the Weld. Beſide, people bred amongſt woods, are naturally more ſtubburne, and vnciuil, then in the Champion Countreys.

Waſting of woods in Suſſex, good for the cõmon wealth.

Baylie. **What, are mens manners commonly guided by the diſpoſition and qualitie of the places where they are bred?**

Sur. There is no neceſsitie in it, I take, but by obſeruation it hath been collected, That *Mõtani ſunt aſperi atq; inculti: Molliores corpore atq; moribus Pratenſes: Campeſtres manſueti & Ciuiles: Rudes & refractarij Siluicolæ: Paludicolæ inconſtantes & hebeti ingenio: Littorales duri, horrendi, immanes, latrocinijs dediti, omniumque denique peſsimi. &c.* So that if this obſeruation hold, men varie in wit, manners

Mens manners of their place of breed.

and

and disposition of body and minde, much after the nature of the place where they are brought vp. But let vs not thinke that followes alwaies, but that education and diuine grace doth shape new minds, manners and dispositions in men, as they are trayned vp in the knowledge and feare of God. But woods are commonly most desert, so are Sea coasts subiect to violent windes, and vapours, and therefore these aboue other places are most condemned, and the inhabitants the more need to seeke the meanes of reformation.

Diuine grace shapes new minds.

Bayly. Truely, I thinke all the places you name, the Mountaines, Meadowes, Woods, Marshes, and the Sea-coast, breede by nature all *rudes, refractarios & immanes*, without the grace of God directing them. And therefore we will leaue to censure conditions of men, in one continent, and as it were, vnder one clymate by the places of their breed. What in my conceit, were to giue sentence against Gods secret Counsell, and prouidence: As also to say, such a complexion were alwaies an argument of ill condition, and such of good, which neuer holdeth generally true. Let vs, I pray, returne to our former communication, for time passeth, and I know, you would not be letted long.

Complexion neuer a true argument of good or euill men.

Sur. Then I say, where, in former times, a farme stood in those parts, wholly vpon these vnprofitable bushy and woodie grounds, hauing onely some small and ragged pastures for some kinde of cattell, now I see as I trauell, and where I haue had businesse, that these vnprofitable grounds are conuerted to beneficiall tillage: In so much as the people lacke not, but can to their great benefit, yeerely afford to others, both Butter, Cheese, and Corne, euen where was little or none at all: yet I hold a moderation necessary, least that the too much ouerthrowing of timber trees, and stocking vp of VVoods bring such a scarsitie of that necessarie commodity, as men build not,

The benefit that Sussex findeth by decay of Woods.

for lacke of timber, but vſe *Peats*, *Turffe*, *Heath*, *Furres*, *Broome*, and ſuch like fuell for firing, where they may bee gotten, yea, and Neats dung, as in ſome places of *Wiltſhire*, and elſewhere: which cannot but enſue, if there be neither preuention for the ſubuerſion of the preſent, nor no prouiſion to plant or ſpare for the time to come: who ſeeth not that the generall extirpation, and ſtocking vp of coppiſe grounds in *Middleſex*, will not breede want to them that ſhall ſucceede?

Fewell of conſtraint.

Middleſex ſtocking.

Bayly. **But that may be the more tolerated, becauſe it bringeth a greater profite in tillage and paſture, the ground being good, bringeth forth wheate and oates, and other commodious graine, in ſtead of ſtubs and ſhrubs.**

Sur. Stubs and ſhrubs are alſo neceſſarie: but as wee deſire food, ſo we muſt preſerue the meanes to prepare it for food: for, as corne auaileth not without Mils to grind: ſo many other neceſſaries without firing, are of little vſe. If al were arable, which is the life of corne, then meadow and paſture, the life of cattell were dead: to couet one peculiar for all neceſſarie things is a true reſemblance of *Mydas* wiſh. Therefore it is good to foreſee, and to auoide a miſchiefe to come, by deſiring or vſing preſent commodities moderately and prouidently. For when there is a true concurrence betweene the vſe, and preſeruation, and increaſe of neceſſarie commodities, without wilfull conſuming, there ſeldome followeth too much want: but if, for the ouer-greedy vſe of things preſent, there be no regard of future occaſion, it cannot be, but if the *earth*, the mother of man and other creatures, could verbally complaine, ſhee might well ſay, *ſhee were euen robbed of her fruits by her owne children:* and namely when for one commodities ſake, another is abandoned by ſome priuate

The vſe of firing neceſſarie.

A commoditie preſent ſhould not depriue future times of a better.

priuate men, more expedient for the publique weale.

Baylie. I think your meaning is, when farmes, or townships are by priuate men dispeopled, and the houses pulled downe, and the land conuerted to some more priuate vse: as onely to sheepe pastures, or grasing for cattell onely, you meane, Corne, the more commodious, is abandoned for these lesse profitable.

Sur. Both these are necessarie in their places, no man can denie it. But when the *Oxe* and *Sheepe* shall feede where good houses stood, where honest men and good Subiects dwelled, where hospitalitie was kept, the poore releeued, the King better serued, and the cõmon wealth more steeded: who will not say it is the bane of a common wealth, an apparent badge of *Atheisme*, and an argument of apish ambition, or wooluish emulation? but because there is a statute carefully prouiding reformation, I will be sparing to accuse, though a man might point at the places and persons: Is not this next, *Ferne hill*, a close of the Lords demeisnes? Depopulation dangerous.

Bayly. You remember well, it is so.

Sur. If my memorie faile not, there is a deepe bottome in this field, and a little rill of water rising out of the hill, runnes thorowe it.

Baylie. If you loke but ouer this hill, you shall see it.

Sur. I see it, and I maruell that there hath beene no respect had of this place: for it is a desert bottome, full of bushes and shrubs, yeelding now little or no benefit.

Bayly. What can you aduise to be done with it, to make it more profitable?

Sur. I could wish some cost to be bestowed heere, in making a *fish pond*, nay it would make at the least, two or three, one belowe the other. Fish ponds.

Bayly. Alas, that were to little purpose, as I take it, considering the charge of making the ponds, the clearing of the water-course, the cleansing of the bodies, the making of the dammes or heads of the ponds will bee more chargeable, then the fish will be profitable.

Sur. As you conceiue it, for where reason or experience teach not, there the will followes to be vntoward in all actions: and seldom men practise doubtfull things, howsoeuer probable, for experience sake. But in this there is no doubt at all, the benefite is certaine by approoued experience, & it paieth the charge to the founder in short time, and afterward the benefit comes without much labour or cost. He that hath trauelled, and is acquainted with *Sussex*, and *Surry*, and hath obserued this commoditie, may find that Gentlemen, and others able in those parts, will not suffer such a conuenient place, as this for the purpose, to lie vnprepared for this vse: and the sweetnesse of the gaine they yearely make of it, hath bred such an increase of ponds for fish, as I thinke, these two shires haue more of them, then any twentie other shires in England.

Fish-ponds many in Sussex, and Surry.

Bay. That were very much, but I take it, the making of the is very chargeable, for ỹ clensing & digging, the ridding of the stuff, & making ỹ head, I think wil consume a greater charge then many yéres wil pay, or redéem again, as I said before.

Sur. That which commonly commeth out of these kind of places, is good soyle for other lands, and will of it selfe quite the cost of clensing and carrying. As for the head wherein the greatest charge consisteth, may bee done, for a marke or a pound a pole at the most, but where there is good fast earth, as is here, I think lesse will do it. This pōd may be 20. pole at the head, few so much; and after 2. or 3. yeeres being well stored, it will yeeld requitall,

quitall, not onely for domeſticall vſe, but to bee vented verie beneficially: for the Fiſh-Mongers of London doe vſe to buy the fiſh by the ſcore or hundred, of a competent ſcantling, when the ponds in the countrey be ſewed, and bring them to London: in caske 20, 30, 40, 50 miles, and vent them by retaile: and if the ponds bee ſo remote from the maine Mart London, as the fiſh cannot bee conueniently transferred, other confining Cities, townes, and inhabitants, beſides the owners priuate families will find good vſe of them: and many times alſo, theſe kinds of ponds may haue ſufficient fall of water for corne Mills, fulling, or wake Mils, ſyth Mils, and Mils of other kinds, as the countrey where ſuch conuenient places a e, may require: and it is found, by ſuch as duly obſerue the courſes of Countreys, & inclinations of men, that want of prouidence and feare of charge, withholdeth mens minds from many benefits, priuate and publique, and that many times, where they are voluntarily mooued to conſume far more in matter of mere vanity, and things which right reaſon holdeth very friuolous.

Fiſh-mongers buy pondfiſh far off.

Ponds neceſſarie for Mils.

Baily. Truly I haue obſerued this that you ſay, to be true in many, eſpecially in ſuch, as ambition moueth without neceſſitie to build more faire and ſtately piles, then their eſtate or abilities will well beare, and couet nothing more, then to raiſe their fame by their follie, not reſpecting commodities, ſo much as pleaſures, as if the name of a faire houſe, were made meate, drinke and credite vnto them: where if they were forced by neceſſitte to raiſe an habitacle, it might be ſo marſhalled in diſcretion, that it ſhould not exceed ỹ qualitie of the perſon, neither ſtand without ſuch ſupply of all conuenient appẽdances, as might both argue the party prouident, & adde means vnto all neceſſaries for a like families relieſe.

Ambitious buildingridiculous.

A houſe with neceſſaries commendable.

Sur. Men will haue their humors: but he is wiſe, that can learne by others harmes to auoid, & by others good example to follow the like.

Bayly. Sir, you see this peece of ground, it hath not the name for nought, it is called Ferne close, and as you see, it is full, and so ouergrowne with these brakes, that all the art we can deuise, and labour we can vse, cannot rid them.

Horace. Ferne.

Sur. *Neglectis vrenda filix innascitur agris*, saith *Horace*. But in many places they serue to good vse: and therefore, where they grow, it must be considered, whether it be better, to destroy them, or to foster them, for they seldom or neuer grow in a fat soile, nor cold, but in a sandie and hot ground: And as *Theophrastus* saith in his eight booke, it commeth not vp in manured places, but withereth away.

Theophrastus lib. 8.

Bayly. How meaneth hee by manured places plowed groundes?

Sur. Plowed grounds, may bee sayd to be manured, but it is not so meant by *Theophrastus*: for hee meaneth grounds well soyled, with good fat marle and dung: for plowing without this kinde of manurance, wil hardly kill it: for the ground being naturally barren, it will not quite cost to plow it, till they growe no more. And if there bee no other soile to manure it, take the brakes themselues, to kill the brakes.

Manuring what is meant by it.

Bayly. I thinke, that were the way to raise more: for it is like the adding more fewell to put out the fire.

Sur. But you see, that though the oyle feed the Lamp, oyle will extinguish it.

Ferne destroyed by ferne.

Bayly. That is, if you drowne the match with oyle.

Sur. So if you cut the brakes often, while they are young, and a little before Midsommer when they are growne, and cast them vpon the same land, and set the folde vpon it, and vse it thus, 2. or three yeeres, feeding it often with cattell or sheepe, you shall finde a great decay of them. In the Welds of *Sussex*, and *Surry*, places inclinable

inclinable to brakes, you may learne, how the inhabitants by their indeuours, doe make good vse of this kind of husbandrie, both for corne, and to increase their pasture, by cutting them in August, and after when they are withered, laying them vpon their grounds, with the fold, as I told you, which causeth the grasse to spring verie fast, and freshly: and they are so farre from couetting to kill them, that they fetch thē for this vse far off: but the continuance of this course will impaire them much. Moreouer, they bring the brakes into their yards, where their cattell lodge in the winter, and there they rot, and when they be well dissolued among their other soile, they carry it about September, and October, into their arable fields, to their good aduantage. And in some places they lay it in the common high waies (as in *Hartfordshire* and other places) and about March carie it into their grounds. It is of so liuely, slimy and vegetable a nature, as it seldome becomes vtterly consumed, but by fat marle, and soile, and continuall plowing, as I told you before. But I see, heere is a ground next vnto this, of another nature, full of bushes and briers, hee is no good husband that oweth it.

The vse of ferne, in diuers places.

Bayly. Neither hee that owes it, nor a better husband can preuent this inconuenience: for besides the bushes, the mosse is so full and ranke, as the ground is good for nothing, but for that small pasture, that is in it here and there.

Bushy ground.

Sur. The ground of it selfe, I see is good inough, and not so proane to mosse as you take it, but the cause of the mosse is the bushes: for after euery showre of raine, the bushes hang full of droppes, which often falling on the ground, makes the vpper part of the earth so colde, that it increaseth this kinde of mosse: but without the aid and industrie of a skilfull husband, faireſt grounds

The cause of mosse.

will become vgly, and beſt land euill, and will bring foorth vnprofitable weeds, buſhes, brakes, briers, thorns, and all kind of hurtfull things, according to the curſe inflicted vpon it for mans fault, at the beginning.

The earth not manurde what it becomes.

Baily. Admit, no man did manure the earth, yet ſurely there be many grounds, in my conceit, would neuer become worſe then they be.

Sur. You are in a great error: for the freeſt grounds that you ſee, the faireſt paſtures, and greeneſt meddows, would become in ſhort time, ouergrowen with buſhes, woods, weeds, and things vnprofitable, as they were before they were rid, and clenſed of the ſame by the induſtry of man, who was inioyned that care and trauaile to manure the earth, which for his diſobedience ſhould bring foorth theſe things.

Bayly. How then was the ſtate of this Iſland of great Britaine, at the beginning, when it was firſt peopled?

Great Britaine ſometimes a deſert.

Sur. A very Deſert and wilderneſſe, full of woods, fels, moores, bogs, heathes, and all kind of forlorne places: and howſoeuer wee find the ſtate of this Iſland now, records doe witnes vnto vs, that it was for the moſt part an vniuerſall wilderneſſe, vntill people finding it a place deſolate, and forlorne, began to ſet footing here, and by degrees grew into multitudes; though for the time, brutiſh and rude. Time taught them, and Nature drew them to find the meanes how to ſtock vp trees, buſhes, bryers, and thorns, and in ſtead therof, to plow the land, to ſow, ſet, & plant, to build Cities for defence, aſwell againſt the force of Wild beaſts, then plentifull in theſe grounds which now we manure, as againſt enemies, as the ruines of *Cilcheſter* in *Hamſhire*, among the woods, and of *Verolamium* in *Hartfordſhire*, and other Romane Monuments

Cilcheſter, Verolamium

of

of antiquitie, doe lay before our eyes at this day. After Cities, (as the land became more and more peopled) they built lesser Townes, Villages, and Dorpes, and after more securitie, Country Farmes, and Graunges: and as these increased, wild beasts, as Beares, Bores, Woolues, and such like decreased: for when their shelters, great woods, were cut downe, and the Countrey made more and more champion, then the people more and more increased, and more and more decreasing the inconueniences that offended them.

Wild beasts in Britaine.

Bayly. I obserue in this your discourse some doubts, as whether all this Iland, now great Britaine, were a Wilderness, and Desert, & whether there were euer such wild beasts in it, as you speake off.

Sur. If you will be satisfied by records, you may find, that most of the Shires in *England* were *Foreste*: and as for the wild beasts, Authors very autentique, report of the *Calidonian* beare, Bore, Bull, and Kine, which were in this Iland, with infinite many Woolues: as by reason of the great woods and fastnesse, there are yet in *Ireland*.

Calidonian beare and bore.

Bai. This our discourse is somwhat from our matter, yet not altogether impertinent: for if this lie hidden, and men be ignorant of the state of former times, our present swelling & ambitious conceits may forme to assume more commendation, for present Art & industry, in reforming the earth, then Ages of old: wherin I perceiue, & by your discourse collect, that our fathers did more in ten yeres, then we in fortie.

Former ages had more art & industry then ours.

Sur. It is true, because we saw not the earths former deformities, we dreame it was then, as now it is, from the beginning, whereas indeede our forefathers, by their diligence and trauaile, left vnto our forefathers, and they by increasing experience, and endeuour, left vnto vs that faire and fruitfull, free from briers, bushes, and thornes,

The earth not in the beginning as now it is.

whereof

whereof they found it full. And this field wherein now we are, may be an instance: for you see by the ancient ridges or lands, though now ouergrowne with bushes, it hath beene arable land, and now become fit for no vse, vnlesse it be reformed. And the bushes that are in this field, you see, are such shrubs and dwarfie bushes, and fruitlesse briars, as are neuer like to prooue good vnderwood, nor good haying or hedging stuffe. If it were fit for either, and the Countrey scant of such prouision, it might be preserued. But sith they haue been so cropped and brused with cattell, and sith this countrey is full and most inclinable by nature to this kind of stuffe, more then sufficient for fencing and fewell, and corne ground and good pasture nothing plentifull, if the tenant were a good husband, he would stocke it vp and plow it.

Lands formerly arable, now wood.

Baily. I thinke it is so full of Mosse, it will beare little corne.

Sur. The Mosse being turned in by the plowe, will rot, and these hillockes, mole-hilles, and ant-hilles will inrich the ground, and cherish the seed sowne.

Mosse.

Bayly. What graine is best to bee sowne first after the stocking?

Sur. It seemeth to bee a good stiffe clay ground, and therefore Otes are best to prepare the earth, to make it fit for wheat the next season: and after it, as the ground may bee by the skilfull husbandman thought fit for wheat againe or pease. But if the soile were leane and light, barley would agree better in it, and a light red rush wheat, where, in the more stronger ground, the white Wheat, and gray Ball, (as they call it in the West parts) is best. And in some more hot and sandie grounds, Rie, as men shal by experience find the land to like the grain, and

Otes in clay.

Barley in sand.

A mutuall agreement betweene graines and grounds.

and the graine. For there is a naturall affinitie or enmitie betweene graines and grounds, as between stomacks and meats. And therfore the husbandmans experience will best guide him. But I doe not a little wonder at men in this age, whom, whether I may rather accuse of idlenesse, or ignorance, I cannot tell: for where I haue trauelled in sundry parts of *England*, I haue in many of them found many olde drie pits, aunciently digged in fields, Commons, Moores, and other grounds, many of them bearing still the names of *Marle pits*, and by search haue bin found to yeeld very excellent Marle, first found and digged by the prouidence and industrie of our forefathers, and left and lost by the negligence of latter times. Marle pits.

Baylie. But by your fauour, fat Marle, me thinks, is not good for this kind of ground, because it is a strong clay, it is better, I take it, for a hot and sandie soyle, and a hot chalke better for this.

Sur. It is very true, that obseruation should not haue beene forgotten: but is well remembred of you.

Bayly. We haue, indeed, a kind of plodding and common course of husbandry hereabouts, and a kind of peeuish imitation of the most, who (as wisemen note) are the worst husbands, who onely trie what the earth will doe of it selfe, and seeke not to helpe it with such meanes, as nature hath prouided; whereas if men were carefull and industrious, they should find, that the earth would yeeld in recompence for a good husbands trauell and charge, Centuplum without corrupt vsurie. Grounds well manured, greatest interest.

Sur. I am glad you can now approue it so in reason: for I thinke, experience doth not yet so fully teach you. I haue knowen where land hath bene very base and barren, and so continued many generations, as ground in manner forsaken and forlorne, abandoned of the plow,

Ill ground made good

which after hath come into the hands of a diſcreet and induſtrious husband, that knew how, and would take the paines, and beſtow the coſt to manure it in kinde, hath much enriched himſelfe by it, and where before it would not beare a crop of requitefull increaſe, by marling and good vſage, hath borne croppe after croppe, 12, 16, or 20 yeares without intermiſſion. The benefite of marling, *Lancaſhire, Cheſshire, Shropſhire, Somerſet, Middleſex, Suſſex, Surrey*, among many other places, yea, all the ſhires of England can witneſſe, though not all by one kind of ſoyling and marling. For neither is all kinde of Marle in one place, neither any one kinde in all places. But few places are ſo defectiue, but it yeeldeth of it ſelfe, or is nere vnto ſome place of help. And men that will haue profit, muſt vſe the means, they muſt not ſit and giue ayme, and wiſh & repine at others increaſe. There muſt be obſeruation, to marke how others thriue, inclination and imitation to doe the like, endeuour and charge. And if one experiment faile, trie a ſecond, a third, and many: looke into places and perſons, note the qualities of the land of other men, and conferre it with thine owne: and where there is a reſemblance, mark what the beſt husband doth vpon his land like vnto thine: if it proſper, practiſe it, and follow the example of him, that is commonly reported a thriftie husband. And by this means, will experience grow, and of one principle of reaſon, many concluſions will proceede. If a man looke into *Cornewall*, there ſhall he find, that in diuers places, eſpecially vpon the North coaſt, about *Padſtow*, that the inhabitant Farmers doe ſoyle their Lands with ſea ſand: which becauſe the Countrey affordeth not in all places paſſe for cart-carriage, men fetch this kind of ſand 3, 4, 6 miles in ſackes on horſebacke.

Sea ſand a good ſoyle in Cornewall.

horſebacke. And poore men liue by fetching and ſelling it to the more wealthy. In *Deuon* and *Somerſet*, and in ſome places of *Cornewall*, *Suſſex*, and in the South part of *Surry*, beſides their other cõmendable courſes of husbandry, they burne their land, and call it in the Weſt parts, Burning of beat, and in the South-Eaſt parts, *Deuonſhiring*, and by that means in barren earth haue excellent Rie, and in abundance. In *Shropſhire*, *Denbighſhire*, *Fliniſhire*, and now lately in ſome part of *Suſſex*, the induſtrious people are at a more extraordinarie charge and toyle. For the poore husbandmen and Farmers doe buy, digge, and fetch limeſtones, 2, 3, 4 miles off, and in their fields build lime-kils, burn it, & caſt it on their fields, to their great aduantage: which kinde of time is of the nature of hot chalke, great helpes to cold and moiſt grounds.

Deuonſhiring.

Limeſtones.

Bay. **But this kind of ſtone is not to be had in all places.**

Sur. That kind or ſome other, is to bee found in, or neere moſt places, and there is no kind of ſtone, but being burned, will worke the like effect. So will alſo and eſpecially the beach or pibble ſtones burned, that frequẽt the ſea ſhore in many places, as vpon the *Camber* ſhore neere *Rie*, and at *Eaſt-bourne* in *Suſſex*, neere *Pemſey* about *Folkeſtone*, and vpon the coaſt of *Kent*, vpon *Orfordneſſe*, and about *Alborow*, *Hoſeley*, and that coaſt in *Suffolk*, and ſundrie other places vpon the Sea-ſhore: In ſome places in ſo great aboundance, as if there were wood in competent meaſure, would make good and great ſtore of lime for building.

Pibble and beach, good to make lime.

Bayly. **It is farre to fetch it: for I doe not thinke, but euery load fetched 5 miles, is worth 5 ſhillings the cariage, this is verie chargeable.**

Sur. Yet it quiteth the coſt well inough, hee that is able,

Difficulties pretended, where is no will.

able, doth find it profitable. But you are in the mind of some that I haue heard, when they haue bin moued to entertain a help for their lād, either it is too deare, or too far to fetch, or too deep in the earth, or some difficultie they pretēd in it, that few vndertak the right way to good husbandrie, like vnto them that *Salomon* speaketh of, that in winter will hold his lazie hands in his lowzie ambrie, and for slouth will not looke about his land in the cold, and sleepe out the time in Summer. Many difficulties & impediments preuent them that wil neuer be good husbands nor thrifty. But such as meane to liue like men, wil shake off the cold with trauell, and put by sleepe by their labor, and thinke no cost too great, no labour too painfull, no way too farre to preserue or better their estates. Such they bee that search the earth for her fatnesse, and fetch it for fruits sake. Many fetch Moore earth or Murgion from the riuer betweene *Colebrooke*, and *Vxbridge*, and carry it to their barren grounds in *Buckinghamshire*, *Harfordshire*, and *Middlesex*, eight or ten miles off. And the grouds wherupon this kind of soile is emploied, wil indure tilth aboue a dozen yeeres after, without further supply, if it be thorowly bestowed. In part of *Hamshire* they haue another kind of earth, for their dry and sandy grounds, especially betweene *Fordingbridge* and *Ringwood*, and that is, the stub of the Riuer of *Auon*, which they call *Mawme*, which they digge in the shallow parts of the riuer: and the pits where they digge it, will in few yeares fill againe: and this *Mawme* is very beneficiall for their hotte and Sandy grounds, arable and pasture. And about *Christchurch twinaam*, and vp the riuer of *Stower*, they cut and dig their low and best meadowes,

Moore earth or Murgion.

Mawme.

dowes, to helpe their vpland hot and heathie grounds. And now of late the Farmers neere *London*, haue found a benefit, by bringing the Scauengers Street-ſoile, which being mixed as it is with the ſtone cole duſt, is verie helpfull to their clay ground: for the cole-duſt being hot and drie by nature, qualifieth the ſtiffeneſſe and cold of the ſoyle thereabouts. The ſoyle of the ſtables of *London*, eſpecially neere the *Thames* ſide, is carried Weſtward by water, to *Chelſey*, *Fulham*, *Batterſey*, *Putney*, and thoſe parts for their ſandie grounds.

Meadowes cut and carryed into d y grounds Scauengers.

London ſoile.

Bayly. **Whether doe you account the better, the ſtall or ſtable dung?**

Sur. The ſtable dung is beſt for cold ground, and the ſtall dung for hot grounds, if they be both rightly applied. And of all other things, the Aſhes that proceed of the great rootes of ſtocked ground, is fitteſt and moſt helpe fulto a cold clay. So is the cinders that come from the Iron, where hammers or forges are, being made ſmal and laid thin vpon the cold moiſt land.

Difference of ſtable and ſtall dung.

Baylie. **I was once in** Somerſet-ſhire, **about a place nere** Tanton, **called** Tardeane, **I did like their land and their husbandry well.**

Sur. You ſpeake of the *Paradice of England*: and indeed the husbandrie is good, if it be not decayed, ſince my being in thoſe patts: as indeed (to be lamented) men in all places giue themſelues to too much eaſe and pleaſure, to vaine expence, and idle exerciſes, and leaue the true delight, which indeed ſhould be in the true and due proſecution of their callings: as the artificer to his trade, the husbandman to the plowe, the Gentleman, not to what he liſt, but to what befits a Gentleman, that is, if he be called to place in the common weale, to reſpect the execution of Iuſtice: if he be an inferiour, he may be his

Tahdeane, the Paradiſe of England.

own Baily, & see the managing & manuring of his owne reuenews, & not to leaue it to the discretion & diligence of lither swaines, that couet only to get and eat. The eye of the prouidēt Master may be worth two working seruants. But where the Master standeth vpon terms of his qualitie and condition, and will refuse to put (though not his hand) his eye towards the plow, he may (if it be not the greater: for I speake of the meaner) gentlelize it a while: but he shall find it farre better, and more sweet in the end, to giue his fellow worke-men a congie early in the morning, and affably to call them, and kindly to incite them to their businesse, though hee foyle not his fingers in the labour. Thus haue I seene men of good qualitie behaue them towards their people, and in surueying of their hirelings. But indeed it is become now contemptible and reproachfull, for a meane Master to looke to his labourers, and that is the reason, that many well left, leaue it againe before the time, through prodigalitie and improuidence, and meane men industrious steppe in: and where the former disdained to looke to his charge, this doth both looke and labour, and he it is that becomes able to buy that, which the idle and wanton are forced to sell. Now I say, if this sweet countrey of *Kandeane*, and the Westerne part of *Somerset-shire* be not degenerated, surely, as their land is fruitfull by nature, so doe they their best by art and industrie. And that makes poore men to liue as well by a matter of 20. pounds *per annum*, as he that hath an hundred pounds.

A prouident Master.

Good husbandry in the West.

Bayly. I pray you Sir, what doe they more, then other men, vpon their grounds?

The maner of husbandry in the West.

Sur. They take extraordinarie paines, in foyling, plowing, and dressing their lands. After the plowe, there

there goeth some three or foure with mattocks to break the clods, and to draw vp the earth out of the furrowes, that the lands may lie round, that the water annoy not the seede: and to that ende they most carefully cut out gutters and trenches in al places, where the water is likeliest to annoy. And for the better inriching of their plowing grounds, they cut vp, cast, and carry in, the vnplowed headlands, and places of no vse. Their hearts, hands, eyes, and all their powers concurre in one, to force the earth to yeeld her vtmost fruit, and the earth againe in recompence of their loue to her, vouchsafeth them an incredible increase.

Baily. **What I pray you in quantitie vpon an acre, more then the ordinarie rate of wheat, which is the principall graine in other Countreys?**

Sur. They haue sometimes, and in some places foure, fiue, sixe, eight, yea tenne quarters in an ordinarie acre. Great yeelding of wheate.

Baily. **I would thinke it impossible.**

Sur. The earth, I say, is good vnto them, and their cost and paine great to it, and there followeth a blessing, though these great proportions alwayes hold not. The land about *Ilcheſter*, *Long Sutton*, *Somerton*, *Andrey*, *Middlesoy*, *Weston*, and many other parts, are also rich, and there are many good husbands.

Bayly. **Doe they not helpe their Land much by the fold?**

Sur. Not much in those parts: but in *Dorset*, *Wiltshire*, *Hamshire*, *Barke-shire*, and other places champion, the Farmers doe much inrich their Land indeede with the sheep-fold. A most easie, and a most profitable course: and who so neglecteth it, hauing means, may be condemned for an ill husband: nay, I knowe it is good husbandry, to driue a flock of sheep ouer a field of wheat rye, or barley, newly sowen, especially if the ground The sheepfold.

be

be light and drie: for the trampling of the sheepe, and their treading, doth settle the earth about the corne, keeping it the more moist and warme, and causeth it to stand the faster, that the winde shake it not so easily, as it will doe when the roote lyeth too hollow vnder the earth.

Sheeps treading good for corne.

Bayly. I cannot reproue you. But I knowe grounds of a strange nature in mine opinion: for if they be once plowed, they will hardly graze againe in 6. or 7. yeares: yet haue I seen as rich wheat and barley on it, as may well approue the ground to be very fruitfull. And if a stranger that knoweth not the ground, looke vpon it after a crop, hee willl say it is very barren.

Grounds long in grazing.

Sur. Such ground I know in many places, as in the Northwest part of *Essex*, in some places in *Cambridgeshire*, *Harfordshire*, *Buckinghamshire*, *Wiltshire*. But commonly, where you find this kind of earth, it is a redde or browne soyle, mixed with a kinde of white, and is a mould betweene hot and colde, so brittle in the vpper part, and so fickle, as it hath no firm setling for the grasse to take rooting so soone, and in such sort as in other firmer grounds: and for this kinde of ground, good and well rotted stable dung is fittest. Let vs, I pray thee, walke into the next field, the Lords demeisnes, called as I take it, *Highfield*.

The cause why grounds will not graze in long time.

Bayly. It is indeede: a large ground you see it is, and good pasture, but so ouergone with Thistles, as wee can by no meanes destroy them.

Sur. This kind of Thistle approoueth the goodnesse of the ground, they seldome or neuer grow in a barren soile.

Bayly. Yes, I haue seene thistles in meane ground.

Sur. It may bee so, a kinde of small hungry dwarffie thistle,

thistle, but this kind which you see large, high and fattie, you shall neuer see in aboundance, in a weake soile.

Bayly. But I wish they were fewer in number: though they may be a note of good ground, I find them nothing profitable, vnlesse it be to shrowd the vnder grasse in the parching Summer, from the heat of the scorching Sunne, for they are good for no other vse that I can find.

Sur. That is some benefite: but the best way to kill them, is to take them vp often by the rootes, euer as they begin to spring, and either presently to rake them vp, and carry them out of the fields, or else to beat them in small peeces: for their nature is to reuiue againe like an Adder, that is not thorowly battered in the head, and cut in peeces. Such is the nature of this kind of Thistle, that though it be plucked vp by the root, if it lie still vpon the ground, as soone as it receiueth the euaporation of the earth, his slimie-nature gathers a kind of new life, and beginnes to fasten and cleaue it selfe to the earth againe, and to shoot forth small strings, which entring into the earth againe, will bring foorth many for one.

Thistles how to kill them.

Thistle, the nature.

Baily. That is, if they be cut when they are seeded, the seeds fall and increase.

Sur. Nay, if you cut them in there infancie: for if they bee not cut often, and that, as soone as they shewe themselues a foote high or lesse, the roote will recouer, and budde againe: the roote is as the liuer in the body, from whence proceedeth all the blood that feedeth the veines, that quickneth the body, which by obstruction and stopping of the passages, putrifieth. So the roots of these vegitables, when the branches are againe and againe cut off as they spring, the root is left so ouercharged

The roots of vegitable things, like the liuer in the body.

with moisture, that it will in the end yeeld, and giue ouer bearing, and die: as will also Rushes, Flagges, and such like, which though they be strong by nature, yet by this meanes they will be destroyed soonest.

Rushes. Flagges. Heath.

Baily. But what say you to this heathy ground? I thinke of all other grounds, that is the most vnprofitable.

Sur. Indeede, naturally all heathy grounds are barraine, and that comes by the saltnesse of the soile.

Bayly. Doth all barrennesse proceede of saltnesse?

Sur. As leannesse in a mans body, is principally procured by saltnesse of the humour: So is barrennesse in grounds; for salt is hot, and heat drieth, and too much drowth breedes barraineneſſe and leanneſſe. And according to the measure and proportion of the degree of hot and cold, moisture and drineſſe, are all grounds fruitfull and barraine, as the body by these causes is fat or leane, hot or cold. Therefore, though heathy grounds be commonly in the highest degree of barraineneſſe, yet are some more in the meane then some. Some are more tractable & more easily reduced to some vse then others, and therefore hath sundry names. Heath is the generall common name, whereof there is one kind, called or Hather, the other Ling. And of the particulars, there are also sundry kinds distinguished by their seuerall growth, leaues, stalkes, and flowers: as not farre from *Graues end*, there is a kind of Hather that beareth a white flowre, and is not so common as the rest, and the ground is not so exceeding barraine as some other, but by manurance would be brought to profitable tillage. Some, and the most, doth beare a purple or reddish flowre, as in the *Forest of Windsore*, and in *Suffolke*, and sundry other places; and this kind is most common, and groweth commonly

Saltnes, hot and drie.

Hather. Ling.

Heath diuers kinds.

in

in the worſt ground. In the North parts, vppon the Mountaines and Fells, there is a kind of Ling, that beares a berry: euery of theſe hath his peculiar earth wherein it delighteth. Some in ſandy, and hot grounds, as betweene *Wilford Bridge*, and *Snape Bridge* in *Suffolke*. And that is bettered eſpecially, and the Heath killed beſt and ſooneſt, by good fat marle. Some in grauelly and cold earth, and that is hard to be cured, but with good ſtable dung. But there is a kind of Heathy ground, that ſeemeth altogether vnprofitable for tillage, becauſe that the grauell and clay together retaineth a kinde of blacke water, which ſo drencheth the earth, and cauſeth ſo much cold, as no husbandrie can releiue it, yet if there be chalke-hils neere this kind of earth, there may be ſome good done vpon it: for that only or lime will comfort the earth, drie vp the ſuperfluous water, and kill the Heath. But the ſandy Heathy ground is contrarily amended, as I told you, with fatte marle, and that is commonly found neere the Heathie grounds, if men were prouident and forward to ſeeke for it. Euery of the heathy grounds are beſt knowen of what nature they be of, whether hot or cold, by the growing of it: as if it growe lowe and ſtubbed, it argues the ground to bee grauelly, cold, and moſt barren; where it groweth ranke and high, and the ſtalke great, the ground is more warme, & more apt for tilth, yet it requireth ſome kind of compoſte, elſe will it not beare paſt a crop or two, contenting the owner: but if men will not indeuour to ſearch for the hidden bleſſings of God, which he hath laid vp in ſtore in the bowels of the earth, for their vſe that will be painfull, they may make a kind of idle and vaine ſhew of good husbandry, when indeed they onely plow, and ſow, and charge

Heathie ground vnprofitable.

How to find the nature of the heathy grounds

The earth cõmanded to denie vs fruit without labour,

charge the earth, to bring foorth fruite of it owne accord, when wee knowe it was curſed for our ſakes, and commaunded to denie vs increaſe, without labour, ſweate, and charge, which alſo are little auaileable, if we ſerue not him in feare and reuerence, who is the Author of true labours, and of the bleſſings promiſed thereunto.

All kind of grounds haue their helpe.

Baily. I thinke there is no diſeaſe in the body of man, but nature hath giuen vertue to ſome other creatures, as to hearbes, plants, and other thinges, to bee medicines for the ſame: ſo is there no kind of ground ſo meane, barren, and defectiue, but God hath prouided ſome meane to better it, if man, to whom he hath giuen all, will ſearch for it, and vſe the ſame to that end it was prouided for. And yet this peece of ground adioyning, hath had much labour and great coſt beſtowed on it, and the ground little or nothing the more reformed: This Furſy cloſe.

Furſe.

Sur. Indeede it is a ſtrong weede, called in the North Countrie, *whynnes*. It ſeldome giues place where it once footeth, I will go ſee the forme of the furſes. Theſe furſes are not worth the foſtering, they bee dwarffe furſes, and will neuer grow great, nor high, and of little vſe.

Whynnes.

Dwarffe Furſes.

Baily. I ſpeake not to learne how to preſerue them, but how to deſtroy them.

Sur. But there is a kinde of Furſe worth the preſeruation, if it growe in a Countrie, barren of wood. And of that kinde there growes much in the Weſt part of *Deuonſhire*, and in ſome parts of *Cornewall*, where they call them *French Furſes*, they grow very high, and the ſtalke great, whereof the people make faggots, and vent them in neighbour Townes, eſpecially in *Exeter*, and

French Furſes.

make great profite of them. And this kind of Furze groweth also vpon the Sea coaste of *Suffolke*: But that the people make not that vse of them, as in *Deuonshire* and *Cornewall*; for they suffer their Sheepe and Cattell to browse and crop them when they be young, and so they growe too scrubbed and lowe tufts, seldome to that perfection that they might: yet in that part of *Suffolke* they make another vse of them, they plant them in hedges, and the quick-set of them make a stronge Fence. Quick-set hedges of Furze.

Baily. Very silly quickset hedges, I would thinke, can be made of simple furzes.

Sur. Such as after two or three yeares, beeing cutte close to the earth, they will then branch and become so thicke, as no Hedge, if the Ditch be well made, and quick well set, can be more defensible, being set in two or three ranckes.

Baily. I maruell they learne it not in Cornewall, where for want of quick-set, and laying or hedging stuffe, especially in the West partes, they are forced to make their Fences with turffes and stones. Fences of Turffes and Stones.

Sur. They doe so indeede, vpon the Moores there: but sheepe will easily scale their walles. But the Furze hedges which I haue seene in that parte of *Suffolke*, no cattle can pierce them.

Baily. Then are these furzes good for nothing?

Sur. To brew withall and to bake, and to stoppe a little gappe in a hedge.

Baily. Then may we hereabouts affoord the standing of them: for wee haue no great plenty of these necessaries in these parts.

Sur. I see no store of Hay boot, vnlesse it bee in the Lords wood, where I thinke it be not lawfull for men at their pleasure to take.

Bayly. What meane you by hay-boote? I haue read it often in Leases, and I promise you, I did euer take it to be that which men commonly vse in hay time, as to make their forkes and toles, and lay in some kinde of losts or hay talets, as they call them in the West, that are not bowded: and is not that the meaning?

Sur. I take it not: it is for hedging stuffe, namely, to make a dead hedge or raile, to keepe cattle from corne or grasse to be mowne.

Hay boot, what it is.

Baily. What difference then is there betweene hay-boote and hedgeboote.

Hedge boot & hay boot the difference.

Sur. Some there is: for a hedge implieth quick-set and trees: but a hay a dead fence, that may be made one yeere, and pulled downe another, as it is common vpon the downes in many countries where men sow their corne, in vndefenced grounds, there they make a dead hay next some common way to keepe the cattle from the corne.

Bayli. If that be the difference, we haue some vse of it also in this Country, but we want it much, as you see, by the lying of our hedges.

Sur. I see the hedges lie very vnhusbandly: a true note of few good husbands: for he that will suffer his hedges to lie open, and his houses vncouered, neuer put a good husbands hand to his head. Quick-set hedges are most commendable: for they increase and yeeld profite and supply, to repaire decayed places: but dead hedges or hayes deuoure and spend, and yet are seldome secure.

Dead hedges deuoure

Baily. I pray, what is the best sutte to make quicke-set of?

Sur. The plants of white thorne, mixed here and there with Oke and Ash.

Baily. But the plants are not easily gotten in all places.

Sur. Therein be berries of the white or haw-thorne, Acornes, Ash-keyes mixed together, and these so wrought or wound vp in a rope of straw, will serue, but that they wil be somewhat longer in growing. How to make a quick-set-hedge.

Bayly. How must the rope thus stuffed with the former berries be laid?

Sur. Make a Trench at the top or in the edge of the Ditch, and lay into it some fat soile, and then lay the rope all along the Ditch, and couer it with good soyle also, then couer it with the earth, and euer as any weedes or grasse begins to grow, pull it off, and keepe it as cleane as may be from all hinderances; and when the seeds begin to come, keepe cattle from brusing them, and after some two or three yeares, cut the young spring by the earth, and so will they branch and grow thicke; and if occasion serue, cut them so againe, alwayes, preseruing the Oake and Ash to become trees.

Bayly. What is the best time to lay the berries in this manner? Time of quick-setting.

Sur. In September or October, if the berries be fully ripe.

Baily. What if a man were desirous to make a little grouet, where nois no kinde of such plants do grow?

Sur. Till the place with the plough, in manner of fallowing, and crosse plough it, and beat the clods small as may be: then sow or set Acornes, Ash-keyes, Hawes, Hedgberries, Nuts, and what else you desire, and then harrow it, and for some two or three yeares it were good to keepe it as free from grasse or weedes as could be, vntill the seedes were aboue the grasse, and when they bee somewhat stronger, the superfluous weedes will bee the more easily culd out. I know a wood sowne of Acornes How to make a grouet.

about

about two and twenty yeares since, the Oakes whereof are now as high as an ordinary steeple. The ground in this case must bee considered; for some groundes are more naturally inclined to foster such things, and some are not. Some kinde of woode also loueth one kinde of soyle more then another, as the Iuniper delighteth in a chalkie soyle, as appeareth in *Kent* and *Surrey*. So dooth also the Yew tree, which brooketh a light and barren soyle: The Walnut tree likewise in meane ground being hot, and the Elme a sandy earth, the Aspe, the Popple the Alder, the Able trees moyst ground, the Oake most kindes of ground.

Seuerall kindes of trees and the grounds the like.

Baily. I haue a peece of land, ouercome with a kinde of weede that is full of prickles, and groweth a foote or two foote high, whereof no cattell will feede, and I know no way to destroy it.

Gorse.

Sur. By your description it should be Gorse or prickle Broome, a weede that groweth commonly vppon grounds ouer-tilled, and worne out of heart, and it commonly groweth not but in cold clay ground, and is hardly killed but with Lime or Chalke, and so ploughed, and then sow it two or three crops together. And if you then let it lie, it will beare you the next yeare a crop of course Hay, and will then yeerely increase in goodnesse for pasture or Hay, and so much the sweeter and thicker, if you keepe it low eaten.

Baily. I thinke you mistake the weede, you meane, I take it, Furse or Whyns, which some call also Gorse.

Sur. I thinke I mistake it not, but such as call Furse, Gorse, are as much mistaken, as they that call Brakes, Broome.

Broome.

Baily. Because you speake of Broome, I know a Lordship of my Landlords, which no doubt you shall suruey to, it is much

much pestered with Broome, and there hath bin much charge and paines, and Arte too, bestowed in destroying of them, but all in vaine: they haue béene cut, stocked vp by the rootes, as was thought, burnt, ploughed, and yet they grow againe.

Furze, Broome, Brakes, their nature

Sur. It is the nature of Furze, Broome, and Brakes, to keepe their standing, and hardly will yeeld the possession once gotten in a field: for commonly they like the soyle well, and the soile them; and where there is a mutuall congruity, there is seldome a voluntary separation. And therefore, as long as there is not a disturbance of their possession with a contrary earth, they will keepe where they are: for as the Fish loueth and liueth in the water, the Camelion by the Ayre, the Salamander in the fire, and eyther of them being taken from his Element, will die: So these kindes of weedes (for so they may be called) as long as they possesse the soyle they affect, do what you can, they will liue. And therfore as the soyle is commonly barren, hote and drie wherein they liue, make this ground fatte and fruitfull, and they will die. And therefore the greatest enemy that may be set to encounter them, is good and rich Marle, and thereupon, the plough some few yeares together: and you shall see, they will shrinke away, and hide their heads.

How to kill Furze, Broome, and Brakes.

Baily. **But commonly this kinde of fat Marle is not to be gotten in all places: nay, seldome where these barren grounds are.**

Sur. It is true, they commonly come not, and say to the lazie husbandman, Here I am. It is the nature of all things to couet rest, and where dumbe and dead thinges lurke, is not eaiily found without diligent search. Golde, Siluer, Brasse, Tynne, Leade, Cole, Slate and great Milstones, shew not themselues voluntarily, but are found

All hidden benefits must be sought for.

by ſcrutation and diſcretion. And I thinke many treaſurable bleſsings lie hidde from ſlouthfull men, for want of ſearch, and worthily. So doth this notable commodity of Marle, from the eyes of the Husbandman, vntill hee diue into the bowels of the earth, to ſeeke: and admit he miſſe it heere, hee may finde it there: if hee faile to day, hee may get it to morrow. But Thrift hath no greater enemies then Ignorance and Idleneſſe; the one perſwades it cannot be, the other it will not bee. And betweene theſe, Weedes, Bryers, Thornes, Thiſtles, Furze, Broome, Gorſe and a thouſand Markes of the firſt curſe annoy vs, which by the bleſsing of God, Induſtry and charge might eaſily and ſhortly remooue more out of our ſights. And yet if the view of them daily could make vs, or mooue vs to call our firſt diſobedience to conſideration and repentance, I would wiſh Thornes to grow where Corne ſtands. But ſith no ſpectacle of former threates, no vſe of preſent bleſsings, will mooue the hard hearted, eyther to ſeeke by labour or charge to reforme theſe euils, eaſie to bee reformed: Let vs leaue to diſcourſe, and hee that hath vnderſtanding and will, let him vſe them here in this toylſome life, and not bee idle; for, if we doe what wee can, theſe Cankers will follow vs, theſe inconueniences will annoy vs, and will procure euery day new labour, and new coſt; and new diligence, and new Arte, to make vs know that *Omnia propoſuit labori Deus.* Man of neceſsitie muſt labour. And when hee hath ſweate and toyled, and beſtowed all his skill and vtmoſt charge, if God adde not a bleſsing, all is loſt. *Paul* may plant, *Apollo* may water, but if God giue not the encreaſe, the labour is vaine. *God maketh a fruitfull land barren, for the wickedneſſe*

Ignorance and idlenes enemies to thrift.

None ſhold be idle.

Pſ. 107. 34.

kedneſſe of the people that dwell therein, there is a curſe. Again, *A handfull of Corne ſowne vpon the toppes of high Mountaines, ſhall ſo proſper, as the fruits and eares thereof ſhall ſhake like the high Cedars in Libanon.* Here is a bleſſing: It is a gratious thing therefore to feare and reuerence him, whoſe bleſsing and curſing ſo much preuaile, and to pray to him for ſucceſſe in our endeuours, and to glorifie him for his bleſsing. Pſa.72.16.

Baily. You haue diuinely concluded: and I wiſh not onely the words of your mouth, but the ſubſtance of your meaning were fully ingrauen, and truly ſeated in the harts of all that labour. So, no doubt, but the Lord would be alwayes readie to bleſſe their indeuours: Although indéede Iob ſaith, The earth is giuen vnto the hands of the wicked, and they waxe olde and wealthy. And Dauid in diuers and ſundry places declareth that the wicked proſper moſt in the world. And I tell you, it is a daunting vnto weake men, that thinke they ſerue God truely, and many times it goeth worſe with them, then with ſuch as ſeeme ſeldome or neuer to call vpon his name. Iob.9.24.8. 21.7.

Sur. But when *Dauid* conſidered the end of theſe men he could ſay, that *the Lord had ſet them in ſlippery places.* And that *they that are bleſſed of God, ſhall inherit the earth.* And *whatſoeuer they doe, it ſhall proſper.* Therefore, I ſay, that he that commendeth his labor vnto the Lord, and the ſucceſſe of all his endeuours vnto his diuine prouidence, who doth & can alwaies bring all things to paſſe for our beſt good, whether it be the ful fruits of the earth for our releefe and comfort, or ſcarcity and want, for our tryall, he is ſure to ſtand faſt, and *ſhall be as a tree planted by the riuers ſide, whoſe leafe ſhall neuer wither*: And *in the time of dearth, he ſhall haue enough to ſuſtaine his neceſſity.* Pſal.37.22. Pſal.1.3.

Baily. It is a good and holy reſolution, on which all men

ought to rest themselues with a faithfull & patient expectation. And therefore he that hath fat and fruitfull ground, let him be laborious and thankefull, and he that hath leane and barren, let him be painefull and patient.

Sur. You say well, and so I leaue you: And for other matters, and better satisfactions in these things thus superficially discoursed, I referre you to the aduice of the better able to resolue you. I will returne to my former taske.

Baily. I thanke you for your patience and paines, and I commend you to your labours: And as your occasions shall challenge my further poore seruice, I shall be readie.

FINIS.

THE SVRVEYORS DIALOGVE CONTAINING A briefe conference betweene a Purchacer of *land and a Surueyor: Wherein are ſome points neceſſary* to be conſidered, of ſuch as are able and willing to Purchaſe Land in Fee ſimple or by Leaſe.

THE SIXT BOOKE.

Purchacer.

SIr, as I take it, you did Suruey a Mannor, wherein I dwell, called the Mannor of Beauland,

Sur. I did Suruey a Mannor of that name indeed.

Purch. It may be you haue forgotten me, yet I was one of your Iury of Suruey there. And I did accompainy you, in your perambulation of the Mannor. And I remember, the Baylie, among many other queſtions, demanded you one, wherein I would haue beene glad to haue had your opinion. But that, you had no fit opportunitie at that time to giue ſuch ſatisfaction, as I did with.

Sur. What I pray you was the queſtion?

Purch. Whether it were better for a man, that had mo-

A question touching Freehold & Lease to Purchace when a man hath little money.

ney in his purſſe, a thouſand Markes, or a thouſand pounds, and would lay it out vpon land, to purchace a Fée ſimple, or buy a Leaſe.

Sur. I can hardly admit leaſure to aunſwere you, by reaſon of other occaſions, but in regard of former acquaintance to doe you a pleaſure, I will borrow ſo much time, as may ſuffice the aunſwere of this queſtion: So you can bee ſatisfied with ſome briefe reaſons, although I know that ſuch are the different opinions of men in this point, as that which will fully ſatisfie one, wil draw ſome others the further into doubt, as we ſee in diuers other like caſes, *Multa capita, multæ ſententiæ.*

Good to be aduiſed aſwell in ſmall as great Purchaces.

Purch. I confeſſe my iudgement is meane in this point, becauſe I haue not had hitherto any practiſe in the purchace of land. And I muſt alſo confeſſe that I am not prouided for that buſineſſe, as ſome great Maſters: who can vndergoe matters of many thouſands, yet I thinke it in my diſcretion, as fit to bee well aduiſed in the ſmalleſt, as in matters of greateſt moment: for a little well imployd, may proue ſo farre more beneficiall then a greater portion, by how much the ſame is laid out with more diſcretion and better iudgement then the other. And though to tell you truely, my ſtock will not exceede a thouſand Markes, yet would I gladly be ſtowit, vpon ſuch a thing as I might liue thereby, and my children after me.

Sur. Then I perceiue you would deale with ſome matter of perpetuitie.

Some mens vaine opinionsof Freeholds.

Purch. I meane ſome Fee Simple. For, you know, it is a good matter to be a Freeholder. It is a good quietneſſe to a mans minde, to dwell vppon his owne: and to knowe his Heire certaine. And indeede I ſee that men are beſt reputed of, that are ſeized of matter of inheritance: Leaſes are but of baſe account. For they haue oftentimes their liuings

uings are taken ouer their heades. So hath the Freeholder of inheritance neuer. And many other faire preferments, are laid vpon a man, that holdeth to him and his Heires, that neuer are bestowed vpon men of inferiour tenures and termes.

Sur. Are you a Scholler.

Pur. No truely.

Sur. Then Nature hath taught you the Art of Ambition. And I feare you haue set too faire a couler vpon so meane a proportion, as is betweene your portion of money you haue to bestow, and the exceeding contentments which you expect to grow by the land you purpose to purchace with the same.

Nature teacheth Ambition.

Purch. Is euery man, that desires to Purchace, ambitious?

Sur. Not as he is a Purchacer. But the humor of his aspiring, being discouered, discouereth his ambition to be the motiue to the Purchace. Will and Ableneſſe to Purchace, are in themselues so farre from Ambition, as it is a blessed benefite giuen of God to man; and a great cause of reioycing, is it to the heart of the most religious man: When from a lowe estate and small portion, God dooth rayse meanes to rayse himselfe, by lawfull Purchace. But if all his ayme therein bee a vaineglorious thirst: I cannot giue it any other fitter title then Ambition, which is a vice. And mee thinkes, I smell it in your selfe by all your former arguments of the happineſſe of a Freeholder. It is a good thing you say (and so doe I) to bee a Freholder. But you muſt thinke he is not so free, but hee is subiect to many seruices, whereunto some inferiour tenures are not. As when you are a Freeholder, experience will teach you. Also it is (as you say) a good thing to dwell vpon a mans owne: Freeholders onely

A blessing to be able to Purchace

Ambition, what?

dwell

Seeming comforts may prooue certaine crosses.

dwell not on their owne, he that hath a Lease but for a yeere, dwels vpon his owne for a time. As for your Heire certaine, and apparant; no doubt it is a comfort, so it be a comfort: for comfortes proue in those casuall and changeable inclinations somtimes crosses: tender heirs, are like yong twigs, they will bend and be wreathed at the will of the parent: but grown strong they proue oftē strong distractions to best minded, and welthiest parents, especially when they haue learned to say: My Father cannot put away his land from me: then he begins to feele his fathers health to be his sicknes, his fathers long life, his lingring death, I need not tell you what succeeds. If you see it not, the mist of partiall obseruation dazils your eyes: yet would I haue you to know this, that, I hold it great happinesse for a man of that estate to haue an heire, but greater and the greatest to haue a vertuous, a frugall and thriftie heire. Touching the Reputation which you pretend to gain by the title of a Freeholder of inheritance, that is seene to be wonne and lost, as is or shall be the report of your good or ill conuersation among your neighbors: which often poore men get, and rich men lose. The clearing of the feare of hauing your liuing to be taken ouer your head, is some assurance indeed: but many times, the heire to auoid the danger, sels it himselfe, sometimes before it come to his hand. For the preferments, commonly laid, or erpected to be laid vpon a man of that estate: howsoeuer ambitious men may thinke it glorious: men wise enough, of a temperate and moderate spirit, rather imbrace their owne freedome, and thinke it farre more pretious then the fairest imposed or assured preferments to office, commonly accompained with care and controulment.

Fathers long life some sons lingring death.

True freedome better then office.

Pur. I perceiue you fauour, not estates of inheritance, the best and most absolutely reputed tenure that any man can be indowed with.

Sur. You much mistate me, and and the matter: for I ground not my obiections vpon any vnworthinesse of that most worthy tenure: but vpon your ambitious as-

ming

putation, securitie, office, and vainglorious preferments, by reason of so small a mite of meanes, as your stocke (being but one thousand Markes) is able to Purchace.

Pur. It will Purchace (as I take it) about forty pounds a yeere.

Sur. Thereabouts at 16. yeeres Purchace. A weake reuenue to support so weightie contentments, as you haue propounded to your selfe.

Pur. I must cut my coat according to my cloth: spend no more then will arise of the Farme.

Sur. But your thousand Markes being gone, where is then the meane to stocke your Farme: for a Farme without stocke, is like a peece without powder or a Steeple without Bels. A Farme without stocke: what like?

Pur. Truely I confesse it, but if I should reserue any of that portion for the stocke, it would Purchace farre lesse. And therfore I conceiue it better to straine my selfe some other way to stock it; though I giue interest for a while, or let it out for some few yeeres, to enable me to stocke it my selfe afterwards.

Sur. So shall you soone indeed make triall of your aduenture, either to ariue safe with little aduantage, or to suffer vtter shipwracke. For the first Interest the mother of miserie, the longer she goeth with her birth, the greater monster she breedes, that immediatly deuours him that begat it, worse then the Viper that kils the mother. Of two euils, the least is, to let it. If then thou be accompanied with a charge, thou and thy charge must be maintained. If that eate vp thine incombe, or the better part of it, little will be laid vp for the future stocke, and so shalt rest *in statu quo prius*, as able in the end, as at the beginning of the terme. Interest the mother of miseries.

Pur. I know no other course to dispose of my money, in

way of Purchace; for lines are casuall, and yeeres run out so swiftly, as I cannot thinke of a better imployment of my money, then to lay it out vpon land of inheritance, for that is perpetuall.

Sur. There are many of your mind, who by the greatnesse of their spirits, vndermine their owne estates, and so hurle voluntarie repentance vpon their owne heads, which they cannot auoid.

Pur. If a man haue a competent bargaine, there needes no repentance.

A competent bargaine, what?

Sur. A conuenient bargaine requires more then a competent *quid*, for a competent *quo*, that is a bargaine barely worth a mans money. As hee that hath a thousand pound in his purse, and bestowes it vpon a Iewell worth a thousand pounds: vnlesse he purpose, and can dispose this Iewell for more then it cost, he may say hee hath a Iewell worth a thousand pounds, and had a thousand pounds in money; but his money being gone, in steed of vsing it to his gaine, he looks on his Iewell with griefe. Especially when commanding necessitie, requires needfull supplies: then lies his Iewell dead, and cannot, had he his money, it would haue supplied his wants.

Pur. This in mine opinion is little to the matter in question, for I lay not out my mony so, but that I haue a yeerely profite, answerable to the value of my money, and lies not dead, as doth his Iewell.

Sur. Little odds betweene nothing comming in, and somthing comming in and profit nothing: as doth your Farme, which either wanting stock, can yeeld litle, or hauing stock of interest, eats the gain. But the question propounded was, whether a man of smal means, were better for his profit to Purchace Fee-simple, or to buy a Lease.

The question.

Pur. That indeed is the question, & I think a more profita-

ble

ble course, then to purchase land in Fee simple, or buy a lease.

Sur. I say more expedient cannot be, for a man that hath 10. or 20. or more thousand pounds in his purse: for thereby he may confirme his hope of hereditary succession; & consequently of Honor and Office. But to speake in answere to your stocke at the most (as you say) 1000. Markes, were it two or three thousand pounds, I affirme these kinds of Purchaces are not most profitable.

With whom the Purchace of Fee-simples best agreeth.

Pur. What then, in your opinion is the best course to lay so small portions of money in, as you speake of.

Sur. Leases.

Pur. Alas, a lease is gone in the third part of a mans age, vnlesse it be for fiftie, sixty, or one hundred yeeres: vpon such a man might be content to lay out his money.

Sur. I hold rather, a Lease of one and twentie yeeres more beneficiall.

A Lease of twenty one yeeres most beneficiall in some cases.

Pur. That were strange, how can you proue that?

Sur. Admit you haue 1000. pound in your purse, and you will Purchace a Lease of 100. yeres. It will cost you thirteene yeeres Purchace at the least. So your 1000. pound will buy about 80. pound *per annum*, which will not amount vnto the interest of your money by twentie pounds a yeere. But if you buy a Lease of 21. yeres, you may haue it for 7. yeeres Purchace. So will your 1000. pound buy a Lease worth 140. pounds a yere, exceeding the interest of your mony forty pounds a yere. So there is threescore pounds more by a Lease of twentie one yeeres, then by a Lease of 100. yeeres, which whether it be more profitable for a man to buy, that hath no great meanes, Iudge you.

Pur. Truely for my part I doe now conceiue it so well, as I am vtterly dissuaded from Purchasing land in Fee simple, or for more yeares then one and twentie, vnlesse I had a

greater portion, then indeede I haue. And me thinks I might compare my selfe (in the minde that I was) vnto one that had foure pence in his pocket, who would needes buy a purse to put it in, and so bought him a purse which cost him a groate: and he had as much money left to put in his new purse, as I should haue had to haue stocked my new Farme, when I had bestowed my thousand Markes vpon fortie pounds a yeare. But now buying a lease for one and twenty yeares, my thousand Markes will bring me néere three-score pounds a yéere, and yet reserue money sufficient to stocke the Farme: I doe not thinke, but if other men of my poore meanes did well conceiue of this, they would be of the same minde that now I am.

A fit comparison.

Sur. Ineyther perswade nor dissuade any, to or from their owne opinions, for I know, it is as hard a matter to draw some men to a truth, as to remoue some from an errour. And some I know are alwayes most perswaded, to embrace that which is most in vse, and refuse the better, that few effect, and not many haue proued: And therefore to make a mans singular conceit (haue it in experience and practise neuer so deserued allowance) the president of other mens imitation, they will suspend it vntill it become as common as vice it selfe; and therfore to your selfe I say, doe not as I perswade, but perswade your selfe, as your owne conceit, in your seeming reason shall tell you what is best or worse; though it be matter of fact, it is no matter of sauing faith, therefore take right or left as you list.

Some will embrace what is most in vse.

Pur. I am not so fickle in my fancie, as it should flie from one conceit to another, after such due satisfaction as you haue giuen me: for whatsoeuer other mens iudgments may yéeld in this behalfe, I take it the truest course for best profite, by smallest meanes: And I thinke no arguments can be so forcible to remoue what I haue conceiued, onely, one scruple remaineth, which I may rather terme a friuolous doubt, be-

cause

cause it may succéede otherwise then I feare, and that ariseth in my conceit by reason of the shortnesse of the tearme of one and twenty yeares: for if a man leaue his sonne a Farme for that terme, eyther it may bee taken ouer his head, or else he must be forced to buy it againe within fiftéene or sixtéene yeares, which both are things very vnpleasant and most distastefull to most men.

A doubt in a lease of 21. yeares.

Sur. It is true, but the end of the tearme being truely knowne, it takes away some of the harshnesse, by a prouident preparation against the time: for if a son to whom a man leaueth threescore pounds *per annum* (your owne proportion) with a stocke; if he, by his frugality, prouidence and carefull husbandry, cannot lay vp, in sixteene yeares so much, as will eyther procure the same againe, or some other as valuable elsewhere, leaue him to liue as he may after the terme ended: for, it is not probable that he would be thriftie or become more wealthy, if he had thrise as much; for it is not the quantity of the thing left, but the quality of him to whom it is left, that proueth this proposition true or false.

Pur. It is so, for I haue knowne some meanely left with leases, haue grown rich, and some rich of inheritance become poore.

Sur. As are mens dispositions good or ill, so commonly is the continuance of their estates prosperous or aduerse.

Bayly. Surely, it is true. It so appeareth by the cariage of young men, in these daies, who shew themselues most improuident and careleſſe, for the most part, not onely such as stand in possibility to be aduanced by the abilitie of parents, or friends, but such also (by a kind of impious imitation) as haue no other meanes, then either their owne labours, or sinister shifts: for as are the diseases of the bodie, of late become yearely wonders for their strangenesse: so mens pro-

The carriages of young men careleſſe.

phane humours and vitious qualities grow yearely more strange, by taking new courses of chargeable wickednesse: changeable fashions in apparell, gaming, the pot, and their lasciuious liues, rend patrimonies in peeces, and bring men to meere beggery, that before stoomed the meere title of Gentlemen. A due obseruer may well note, that where one, left by a carefull father wealthy, and, by the grace of God, is of discretion fit to manage what is left him: ten grow thereby the more insolent, secure, prodigal, vitious, and consume more in one yeare by their rancke ryote, then their carefull fathers or regardfull friends did get by their care and industry in ten: whereby groweth that strange vicissitude which we see in the world, the father to purchase, the sonne to sell, the father to sell, the sonne to purchase, neuer continuing long in one line: many generations enioy not one and the same inheritance. Patrimonies are like vnto the fained wheele of Fortune, resembling also the waues of the Sea, driuen now to the shore, straightwith to the channel, as the tide and the windes: so are possessions posted from one to another, more in these latter daies then euer before: minders become inconstant breeds estates inconstant. In former ages an inheritance continued many generations, neuer altering either the line or the name of the owner: men had a kinde of religious regard to preserue the inheritance of their auncestors: and in these dayes, they thinke it a superstitious ceremony, to keepe it. And therefore he that hath money, may now buy what his sonne may sell: the father buyes in hope to better his sonne, and the sonne sels to dishonour himselfe: And therefore I thinke whether it be Fee simple or Lease, all is bayt for a buyer, and a wastefull sonne is indifferent in both.

The cause of the confusion of Patrimony.

Patrimonies like Fortunes wheele.

Sur. There is no cause so much to assure a sonne of future meanes by *Leases*, as by *Fee simples*; for an eldest sonne is in part assured of his Patrimony, howsoeuer he carry himselfe: but leases may be giuen as a chattell, and therefore may make a sonne the more awfull. But it is a

A sonne cannot so much depend vpon leases as vpon Fee-simple.

hard thing, that neyther the loue of parents, in perſwading, nor the law of Magiſtrates by puniſhing, can preuent theſe daily increaſing miſchiefes: I thinke it may be affirmed, that the fault is eſpecially in parents, by gluing and ſuffering, as alſo in Magiſtrates in not correcting ſuch wilfull tranſgreſsing the lawes of loue and obedience, and to ſhorten the line of that common libertie of young men whereby they liue, doe, and continue as they liſt: And ſo much the more, by how much they finde their owne ſtrength, to reſt in the ability and doting loue of their abuſed parents, who (whilſt they liue) ſupport theſe libertines by ſupplyes of needleſſe wants: And the hope of the whole, after their deaths, make young men diue into the deepeſt of the danger of cauſeleſſe debtes, which (the parents dead) forceth to bee inbowelled the beſt of his new falne Patrimony: the reliques wherof he muſt ſacrifice, to appeaſe the violence of that deuouring *Hidra*, and peece-meale offers the reſt to his owne vice and vaine-glory.

Pur. Truely, theſe dayes affording ſuch fruits, I wonder whether is more the cauſe, the folly of parents or the frenſie of children.

Sur. I thinke indeed many children (as it ſeemeth by their diſſolute liues) are poſſeſſed with a kinde of frenſie or madneſſe; for they are as farre from awe of gouernement, as are ſuch as are madde indeede: And yet I thinke of the two, the fooliſhneſſe of doting parents, is more the cauſe of their childrens madneſſe, then is the meere naturall inclination of the children: for did parents keep a kinde of power in their owne hands, and did not feede their childrens humours too full; they could not but withdraw, though not their deſires, yet their meanes from thoſe waſtefull courſes.

Fathers doting on their children, the cauſe oftentimes of their childrens hurt.

Pur.

Pur. It seemeth to me a matter almost impossible, my reason is, because it is now growne to so generall a disease, if it were in the Citie onely, and not in the Countrey, or were it in one shire, and not in another, or in one towne or parish and not in another: nay, were it in one house and not in another, I would then thinke the Countrey might reclaim the Citie, one shire, one towne or one house might reforme another: but being as it is, so vniuersall, in Cities, countrey townes and houses, if any place or person be now free, it, or he is in danger to be seduced: and therefore one father may lend nor by counsell, force or faire words, to order his sonne in the way of hope to be happy: but what tenne fathers by councell can worke in two children in much time, one impious, idle, vain, and vitious neighbours sonne shall poyson twentie in lesse. And therefore vnlesse as the infection is generall, there could be found a generall preseruatiue, it will grow, ab hoc malo ad illud peius, to be daily worse and worse.

Sur. So then let vs leaue them, and I leaue you, fare you well.

Purch. Nay I must needes intreat your opinion in one thing more, I will not be tedious. When a man doth purchase Land in Fee-simple or Lease, are there not some speciall points of obseruation to bee considered before a man either buy or sell?

Sur. I thinke none is so ignorant or simple, but if he buy a Horse, he will see what pace he hath, whether hee bee sound, and whether hee that sels him haue right to the Horse, and other circumstances fit to bee considered in the buying of a Horse. And will any man bee so madde as to buy or sell Land without due consideration, what hee buyes or sels? And yet I must confesse, that some doe purchase, and some doe sell, as they that cut wood ouer their heads, the chippes fall into their eyes, they see not what they buy, or what they sell. Many haue beene

None is so simple but will obserue what he buyes.

and

and are dayly deceiued, for want of the true iudgement of the things they buy or sell, not seeking to informe themselues by themselues: nor for feare of charge, be informed by some of vnderstanding to view the thing they buy or sell, a matter sauouring either of little prouidence, or great securitie.

Purch. **Wherein I pray you should a man seeke especially to be informed in buying or selling Land?**

Sur. Me thinks it is a needlesse question, because these things are common to euery mans conceit. But to satisfie your desire, I take it the *Title*, is first to bee duely considered, and then the drawing of the Euidence, for in these dayes, there goe more words to a bargaine of ten pound land a yeere, then in former times were vsed in the grant of an Earledome, and yet me thinks many superfluous wordes might bee omitted, and the assurance good: as they were in former times, with farre fewer words, but that I leaue to the learned, that knowe what is fit to be inserted or omitted according to the qualitie of the thing purchased, onely the true meaning should bee the best assurance. Secondly, the *yeerely and likely permanent value* is to be considered. The *quantitie, qualitie*, and *nature of the soyle*. The meanes to better it, as, by clensing and cleering of the grounds of bushes, and other inconueniences, drayning of the low, boggie, and watry grounds: where and how to get *Marle*, *Chalke*, *Moore-earth*, *Sea-sand*, and such like meanes to improue, and better meane grounds. The scarsitie or plentie of *Wood*, and *Timber*, which are either a helpe or hindrance to the sale. To obserue the *Fenses*, and the meanes to continue them. The *Water*, whether in Springs, Riuer, or standing Pooles, which last is most inconuenient. The

Things to be considered in a Purchacer.

Howsing, how conuenient and competent they are, and how they ſtand preſently repaired, and the ſuppoſed charge to doe it. The *ſituation of the place*, for ayre, ſweet or contagious: The wayes, good or combersome. *Commons of paſture*, *Common of Eſtouer* if any be: what *Commodities* it eſpecially yeeldeth: how and where they may be beſt vented: and where, and how farre off *houſhold neceſſaries* are to be had. Duties to the Church, and Common-wealth, with ſeruices due to the ſame: what iſſues out in rent, or other charge: what is paide to it: and many other things may be conſidered in the view of a Mannour, which at large are ſet downe in the ſecond and third Bookes.

Pupulator. **Theſe are neceſſarie notes of remembrance, which are fit to be conſidered, both by him that ſelleth, and him that buyeth any Land, the neglect whereof may preiudice either. And thereby no doubt many are deceiued, and ſome abuſed, I am loath to trouble you further, I thank you for your patience, I will leaue you to your occaſions.**

PROV. 17.2.

A diſcreet ſeruant ſhall haue rule ouer an vnthriftie Sonne.

FINIS.



1637

Faults eſcaped.

IN all places for Demeiſeneſſe read Demeiſns. Fol. 55. Lin. 25. for belongeth, read belonged. fol. 56. line 5. meeſt, read meſſe. fol. 64. line. 9. for to, read by. fol. 82. line the laſt, for ſimple, read ſmile. fol. 88 line 18. put out *too*. fol. 90. line 9. for leaſer, read leaſee. fol. 96. line 10. for times at, read at times. fol. 98. line 22. for Baylie, read Raylie. fol. 106. line 1. for feildes, read fells. fol. 115. line 3. betweene *name* and *for*, read But the former Tenants. fol. 116. line 10. for Caterer read Cater.

